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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

UGANDA

[1 February 1996]

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I. GENERAL MEASURES TO IMPLEMENT THE CONVENTION

Article 4

1. The Government of Uganda by its statements and actions has shown its concern about the problems faced by Uganda's children. It has accordingly taken some measures to improve the situation of children and protect their rights. In his address to the UNICEF National Seminar on the Convention on the Rights of the Child in Kampala (November 1988), President Museveni said that "as important as the need for human rights is, even more important is the need to recognize and protect the special rights of children who are the most vulnerable members of our society". Although there is a lot yet to be done, the measures taken express a genuine concern for the well-being of children in Uganda. The following are some of the major and broad areas of action that have been undertaken so far. Reference will be further made to these areas while examining appropriate action under each article.

2. A significant step taken by the Government is the review of the laws affecting children. The Child Law Review Committee in Uganda was inaugurated in June 1990 and it reported to Government in March 1992. The Committee examined the existing laws concerning child welfare and, in the context of international legal developments in children's rights, proposed appropriate legislative changes for the greater protection of children.

3. The Committee from the outset recognized that laws concerning children when based on the rights and best interests of the child provide an important national framework and point of reference for the better protection of children. In drawing up its proposals the Committee took into account the problems relating to child survival and development. The main concentration, however, was on the rights of children and their protection by law. A major issue addressed by the Committee was the review of the inadequate colonial legislative inheritance and its socio-economic inappropriateness.

4. The Committee carried out an extensive child-care and protection research and documentation programme. As a result of these research findings and the debates which have taken place both within the Committee and between it and other bodies such as the police, the legal and medical professions, academicians, government departments, non-governmental organizations and other interested parties, children's rights, care and protection issues, have been pushed into the public sphere of attention. The proposals give prominence to a child's best interests and the involvement of local authorities and communities in child care, justice and protection matters.

5. The Government of Uganda recognizes that reform of the laws is a crucial part of the overall approach in improving the situation of the child. The law provides the power, the structure and the framework to protect children. Government has accepted the proposals of the Child Law Review Committee and a draft bill has been prepared. It is hoped that the bill for the Children's Statute will soon be tabled in the National Resistance Council (Uganda's Parliament) for debate and consequent enactment.

6. The Local Government (Resistance Councils) Statute 1993, provides that the Vice-Chairperson of every Resistance Committee at all levels is the

Secretary for Children's Welfare. The main responsibility of the Secretaries for Children's Welfare is to safeguard the welfare of the child and to ensure that the rights of the child are protected.

7. The Government encourages those ministries providing services to children to make realistic plans prioritizing how they should use the limited funds available to improve their services. Non-governmental organizations, both local and international, and external support agencies have assisted. As a result a number of policy and planning documents in the areas of child survival, development and protection have been produced. The following are some of the policy measures that have been put in place.

8. The Government appointed a Health Policy Review Commission from which the Ministry produced its National Health Development Plan 1990-2000. This puts forward the new Health Policy which will be achieved by implementing the principles of Primary Health Care (PHC). The policy places considerable stress on maternal and child health, particularly on the most vulnerable category, the under fives, who number about 3.5 million which is one fifth of the population. Each district of Uganda is currently implementing a three-year health plan.

9. Data concerning child development comes primarily from the Ministry of Education. A significant policy development has been the acceptance by Government of most of the recommendations of the Education Policy Review Commission (EPRC) appointed by the Minister of Education which submitted its report in 1989. The responses of Government to the recommendations of the EPRC are contained in the government White Paper on Education 1992. The White Paper indicates the recommendations which may be acceptable for implementation by Government and outlines the proposed implementation approaches and wherever feasible indicates the source of funds and other resources as well as resource saving measures that will be necessary or possible in the implementation process.

10. The Government White Paper on Education provides the basis for the Ministry's education sector investment programme 1992/93-1996/97. The key objective is to revitalize the education sector by implementing strategies to increase access and equity, enhance quality, efficiency and relevance, build institutional capacity, reform finance and financial management. The programme also sets strategies to address the needs of marginalized and disadvantaged groups in addition to those who are excluded from schooling because their families cannot afford the fees. These groups are females, orphans, the disabled, gifted pupils and the migrant population. The Government's overall policy on education is that Uganda must seek to establish the highest quality of education possible as the basis for fundamental change and national development.

11. The protection of children involves various service Ministries like Justice, Local Government, Internal Affairs, etc. However, the Ministry of Labour and Social Affairs has the principal public sector responsibility for child welfare. The Ministry is charged with setting policy, standards of care in children's institutions, and monitoring the performance of non-governmental organizations that are providing child welfare services. This Ministry has started on the process of drafting a comprehensive social welfare policy. The

policy wishes to address, inter alia, the behaviours, attitudes and interventions that are required to reduce the incidence of child vulnerability. These broad areas will form the basis of the welfare policy:

(a) Good child-care practices and the rights of the child;

(b) Strengthening the family unit and community care for children;

(c) Parental responsibility for children and appropriate parental behaviour;

(d) Resource allocation for the survival, protection and development of children.

12. Meanwhile the Ministry of Labour and Social Affairs in 1990 formulated policy guidelines which draws attention to the needs of vulnerable and disadvantaged children. The guidelines emphasize the need to engage with local government and NGOs in assisting communities to be aware of the issues involved in child survival, development and protection and to encourage their participation in addressing them.

13. The Government of Uganda has recognized the important role women play in development and particularly in the care and protection of children. It has thus created a Ministry of Gender and Community Development as one of the strategies to raise the status of women. Women have a special representation on the RCs and there is a woman representative for each district in the National Resistance Council (NRC). The Ministry's priority is the economic advancement of women which is reflected in the presidential pronouncement as "Our policy aims at strengthening the position of women by raising the value and productivity of their labour giving them access to and control of productive resources". The Ministry is in the advanced stages of formulating a National Gender Policy to further strengthen this stand and streamline areas of integration and cooperation. The situation of women is in many aspects linked to that of children. It is noted, for example, that one of the indirect causes of death among children in Uganda is attributed to isolated and overburdened mothers. It is thus believed that given equal opportunities in education, income generation, decision-making at both household and national levels, women can greatly enhance the rights of children and improve their own status.

14. Uganda has cooperated in the international effort to promote the implementation of the Convention. Uganda participated in the Eastern and Southern Regional Conference held from 19 to 21 July 1990 in Nairobi, Kenya. The Conference discussed child welfare issues and prepared a declaration that was presented to the leaders of the countries in the region in preparation for the World Summit for Children. Prior to the World Summit, a candlelight vigil organized by the Government and UNICEF was held. Children participated and expressed through drama, songs, speeches and poems issues concerning their rights which they felt the heads of State and Government at the World Summit should discuss and resolve. Two children, a boy and girl, were part of the President's delegation to the World Summit in New York. At this Summit, a great promise to the children of the 1990s was made, a promise to end child

deaths and child malnutrition on today's scale by the year 2000 and to provide basic protection for the moral, physical and mental development of all the world's children.

15. Following the World Summit, the Government directed the Ministry of Planning and Economic Development to draw up a National Programme of Action for Children (UNPAC). This Programme identifies areas which need action and outlines goals and strategies needed to respond effectively. The broad-based support for the Programme from Government, NGOs and the media and its technical committees, which include health and nutrition, basic education, water and sanitation and child protection, and the macroeconomic policy framework for improved human development all help to focus the spotlight on children.

16. UNPAC was adopted by Cabinet in September 1992. The Plan was launched during celebrations to mark the Day of the African Child on 16 June 1993. This occasion was symbolized by the signing of an agreement between the Government and the children of Uganda. The Government was represented by His Excellency the Vice-President and a child who represented all of Uganda's children.

17. A body called the National Council for Children (NCC) was inaugurated on 10 November 1993, to coordinate the implementation of the National Plan of Action for Children (NPA). NPA activities will be carried out within existing government structures and the informal sector, mainly through NGOs. The NCC secretariat is headed by a Secretary-General with a small technical and support staff. As noted, the role of NCC is coordination and liaison, advocacy, resource mobilization, and to support the development of district (DPAC) and subcounty (SPAC) plans of action for children, and to monitor the implementation of UNPAC goals and activities. So far the NCC has aimed itself at addressing the situation of children. The NCC, with the support of UNICEF, commissioned the Child Health and Development Centre (CHDC) to undertake a country-wide study that will culminate in the Uganda Women and Children Situation Analysis. The last situation analysis was carried out by UNICEF in 1989. In October 1993, a national workshop was held at which all the research that had relevance to the well-being of children was presented. This was followed by the National Consensus Conference which was held in November 1993. This Conference was attended by high-ranking government officials and representatives of NGOs and external support agencies. Sectoral reports concerning the survival, protection and development of children were presented. Discussions of these reports resulted in a national consensus on the status and condition of children and women in Uganda. The consensus, which hopes to be an annual event, provided a common framework within which all interventions to improve the situation of children can make their contribution.

18. On 26 February 1992, Uganda signed the African Charter on the Rights and Welfare of the Child. This Charter provides, in addition to the rights of the child, responsibilities towards children. It is more responsive to traditional African values and concerns. In many respects the signing of the Charter by the Government of Uganda reinforces the commitment to the rights of children as enshrined in the United Nations Convention.

19. When President Museveni was Chairman of the Organization of African Unit (OAU) (1990), the heads of State, convinced of the need to protect African children, declared 16 June "Day of the African Child" to be commemorated every year. The Summit also passed a resolution to make the 1990s the Decade of the African Children. In Uganda this day has been celebrated every year under different themes. The theme for 1993 was, for example, "Protect the child, protect the future". The various themes raise important concerns which need to be addressed.

20. The determination of a new Constitution is currently in progress. The Constitution shall be the supreme law of Uganda with binding force on all authorities and persons throughout the country. The views of the people were sought in a country-wide consultative process. Notable about the draft Constitution are provisions concerning the rights of women and children. For the first time the rights of women and children have explicitly been addressed in the national Constitution.

21. There are other political and administrative reforms which will greatly enhance the understanding and implementation of the Convention on the Rights of Children. One of these is the people's full involvement in the democratic management of their own affairs. Through political education programmes the people of Uganda are being sensitized about their rights and obligations. The RC system is a popular channel for mobilization and sensitization of the whole people. Government departments and NGOs with a mandate for child welfare activities are using the RCs to educate the people on the rights of the child. This avenue is going to be enhanced and strengthened, as noted by the designation of the Vice-Chairpersons of RCs as Secretaries for Children's Welfare.

22. The other important administrative reform currently being implemented is the decentralization policy. This policy has three main elements: parliamentary democracy; popular democracy; a decent level of living for every Ugandan. Decentralization is a policy instrument aimed at improving local democracy, accountability, efficiency, equity, effectiveness and sustainability in the provision of social services. The decentralization of the NPA to districts and subcounties is in line with this process. The emphasis in the district and subcounty plans is that programmes to enhance the rights of children should be given priority at the district and subcounty levels and, eventually, in the household. It is basically at the household where change must take place if the provisions of the Convention are to be successfully implemented.

23. The Rehabilitation and development plan (RDP) 1989/90-1991/92 provides the general economic policy goals which should establish the economic environment for the UNPAC sectoral goals to be achieved. The allocation and use of resources should be targeting the social sector and particularly the programmes that will improve the situation of children through provision of basic education, health services, potable water and child protection. This is yet to be achieved as only a very small percentage of the national recurrent expenditure is used on social services. This is indicated by the recurrent resource allocation in the financial years 1991/92 to 1993/94 shown below:

	1991/92 (%)	1992/93	1993/94
Education	4.1	14.1	11.2
Health	1.4	5.1	4.2
Other social services	5.7	1.2	1.3
Total	11.2	20.4	16.7

As noted above the allocation for health and education was even less in the 1993/94 financial year compared with 1992/93. This situation needs to change.

24. Government efforts to improve the situation of children have been augmented by the services of both national and international NGOs which have received government support and encouragement. There are many NGOs operating country-wide whose activities are highlighted under the specific articles. International NGOs and external support agencies have played a leading role alone and in partnership with the Government to initiate and support programmes aimed at child survival, protection and development.

25. Several factors continue to constrain the implementation of the Convention on the Rights of the Child in Uganda. The major constraint is the severe inadequacy of government finances resulting from a weak economy. When the NRM took power in 1986 it inherited a shattered economy. By 1986 annual inflation was estimated at 260 per cent. The surveys carried out in 1992/93 found out that 74.3 per cent of the population had a monthly per capita income of less than 10,000 Uganda shillings (US$ 10) and over half could not afford the required calorie intake and basic non-food items. This is indicative of the extent of poverty within the country. Despite a fall in the inflation rate to about 10 per cent in 1993/94 as a result of the economic recovery programme, equitable economic growth is still lagging. Uganda has a large external debt burden of $2.6 billion and very low revenue generation dependent mainly on taxation which contributes only 8 per cent of GDP. There is a high level of dependence on agriculture, and an over-dependence on external funding.

26. Uganda is just recovering from the effects of the political and civil violence that rocked the country since the 1970s. Political instability and violence left the population impoverished and the social service delivery system totally shattered. In the northern region of Uganda where there are still pockets of resistance and insurgency, the situation is even worse compared with other areas of the country which are now relatively stable.

27. The other serious threat to the implementation of the Convention is the impact of the AIDS pandemic. AIDS is killing Ugandans in the most economically productive age groups: 98.8 per cent of AIDS deaths occur between the ages of 16 and 45, leaving behind children and elderly persons who are less able to support themselves. The AIDS problem is further straining the already stretched and inadequate health services and other social services.

28. Other problems affecting the implementation of the Convention are:

(a) High rate of illiteracy. Over 48.1 per cent of the Ugandan population are illiterate. Even among the population who are literate the majority possess only basic non-developmental and non-functional forms of literacy. This is a major factor that contributes greatly to the ignorance and lack of awareness of rights, and the negative attitude towards children' rights;

(b) Outdated laws. Despite reform efforts Uganda is still using the old colonial laws which are now outdated and totally deficient in the protection they give to children.

B. Article 42

29. Uganda ratified the Convention on the Rights of the Child in 1990. However, the publicity of this international commitment and other matters concerning the rights of the child remained a rather low-key affair. This situation changed greatly with the establishment of the Child Law Review Committee, the World Summit for Children and the events leading to it, and t formulation of the National Plan of Action for Children.

30. As part of the publicity of the rights of children during the formulat of its proposals, the CLRC provided a leaflet entitled "The Rights and Responsibilities of Children in Uganda" which was widely circulated. With UNICEF's assistance 20,000 copies were produced in English. With UNICEF's further assistance this leaflet has been translated into eight major local languages and 42,000 copies were printed and circulated. This leaflet is being used by the Ministry of Labour and Social Affairs and NGOs in their sensitization programmes on the rights of the child. During 1991 an essay a art competition whose theme was "The rights of the child" was held for schoolchildren. Over 300 children country-wide responded. Prizes were give to the winning children at a ceremony covered by radio, television and the newspapers which took place at the Kampala Sheraton Hotel.

31. The media does a lot to create awareness of the abuse of the rights of children. Almost daily a case of child abuse is reported. The survival and development needs of children are common features in most Ugandan newspapers This is a positive indication of the awareness being created concerning the rights of the child, which is crucial if significant improvements in the welfare of children are to be achieved.

32. The Uganda delegation to the Dakar OAU Conference on Assistance to the African Child (1992) changed the final consensus of Dakar. The Conference adopted the goal of incorporating the rights of the child into national laws Uganda is in the process of doing this and a bill for a Children's Statute will soon be tabled for debate by the NRC.

33. In March 1993 the Ministry of Labour and Social Affairs, in conjunctio with UNICEF, Save the Children Fund (United Kingdom) and the African Networ for the Prevention and Protection of Children Against Abuse and Neglect (ANPPCAN) Uganda Chapter organized a one-day meeting for the government departments and NGOs operating child welfare-related programmes. The day's

meeting attracted over 100 participants. The theme for the meeting was "Children's rights: the way forward". A resolution was made to continue with publicity and programmes on the rights of the child. The meeting specifically urged Government to implement the rights-led proposals of the CLRC.

34. During the commemoration of the third anniversary of the adoption of the Convention in November 1992 children in Uganda had a whole day's discussion on their rights. At the end of the day children in Uganda exchanged fax messages with their fellow children in the United Kingdom, New Zealand and Hong Kong. This event was highly publicized by both the print media as well as radio and television.

35. A research project, "Children and their rights: village perceptions", was concluded in seven districts in 1993. The research received a positive reception from all groups who wanted to know how they could be assisted to bring up their children and meet their basic needs. Although there was a lack of broad understanding of the rights, nevertheless the community groups were doing their best to give children their rights. It was a great opportunity for the village communities to start seriously thinking about issues affecting and concerning children's rights.

36. It is not an obligation according to the Convention to form a national committee for examining the progress made under the Convention. However, in the National Seminar on the Convention on the Rights of the Child (1989), it was recommended that a national committee should be set up to follow up the implementation and publicity of the Convention. This committee would, among other things, be charged with the education and sensitization of communities regarding the rights and needs of children. This important recommendation was never followed up. The National Council for Children is presently playing the role which this committee should have played. It recognizes the centrality of the rights of the child and with others, it is engaged in advocacy for the rights and needs of children.

C. Article 44

37. Although drafting this report was essentially the responsibility of the Ministry of Labour and Social Affairs, consultations were made with other relevant government bodies and NGOs. The draft report was also circulated to interested parties whose contributions were taken into account. Measures are being planned to make this report widely available to the general public and include printing many copies of the report for distribution country-wide, an official launching of the report with mass media coverage, serialized discussion of the report on both radio and television, and reproduction of the report in simplified versions.

II. DEFINITION OF A CHILD

38. The age of majority in Uganda is 18 years. However, the age determination and terminology used in reference to a child differs from statute to statute:

(a) The Approved Schools Act defines a child as a person under 12 years of age and a juvenile as a person of 7 to under 16 years;

(b) The Reformatory Schools Act gives no lower age limit. The term "youthful offender" is used to mean any male person under 18 convicted of an imprisonable offence;

(c) The Divorce Law in relation to settlements for children of the marriage uses the term "minor" to refer to a boy under 15 years and a girl under 13 years of age;

(d) An order for maintenance under the Affiliation Act terminates when a child is 16 years. The logical inference is that a person of that age need not be considered a child. Marriage can be contracted for a person under 21 years with the written consent of a parent (Marriage Act);

(e) The Customary Marriages (Registration) Decree 16 of 1973 states that the minimum age of marriage is 16 years for males and 18 years for females;

(f) The Marriage and Divorce of Mohammedans Act allows a minor to appl to have his or her marriage registered if the lawful guardian fails to apply for it. The Act does not define a minor and does not set the minimum age of marriage;

(g) At present a child from the age of 7 to 12 years is criminally liable if it can be proved that he/she knew the act was wrong and ought not have done it. The Employment Decree (1975) does not allow a person under 12 years to be employed except on light work. What constitutes light work was not defined.

39. These inconsistencies between various terms used in the Acts and the age given to define a person under 18 years of age lead to ambiguity as to the definition of a child. It results in lack of uniformity in legal entitlements and adequate safeguards for the protection of their rights. To harmonize these inconsistencies the draft bill for the Children's Statute defines the child as any person under the age of 18 years. This also takes into consideration the development of mental and physical characteristics that define maturity and distinguish the children from the adults. The definition of a child in the draft bill supersedes all other definitions. If this bill is passed, all the other statutes will accordingly be amended.

III. GENERAL PRINCIPLES

A. Article 2 - Non-discrimination

40. The draft Constitution of the Republic of Uganda (art. 50) provides equality before the law and protects all persons against discrimination on grounds of sex, race, colour, ethnic origin, tribe, creed, religion, social, economic standing or political opinion.

41. The colonial inherited laws such as the Affiliation Act labels children born outside wedlock as "illegitimate". Even the protection which this law gives to such children is very inadequate. The proposals for legislation in the draft bill for the Children's Statute take account of the provision of

this article. The guiding principle in regard to children and domestic relations is that the marital status of a child's parents shall in no way affect the legal rights of the child.

42. Generally in Uganda the girl child is more disadvantaged than a boy. In the study on village perceptions of children's rights mentioned above, it was revealed by the discussion groups that on various fronts the girl child is discriminated against. Girls are a second consideration for education, especially in instances where there is insufficient money. Girl children do not have the right of inheritance, and they are generally subjected to harder work than their brothers. These discriminatory practices against the girl child are not formally condoned. They are largely culturally determined. The overall effect, however, is that these practices and attitudes deny the girl child the enjoyment of her full rights.

43. Enforcement of the law against such practices as discrimination is very difficult. It is only through public education and sensitization that people's attitude will gradually change. The civic education that will follow the promulgation of the new Constitution and the implementation of the Children's Statute will reinforce the ongoing small-scale sensitization on the rights of the child.

B. Article 3 - Best interests of the child

44. The main legislation concerning children in Uganda does not state the welfare principle, yet children are vulnerable and they need to be specially protected. The most comprehensive statements of what constitutes the best interests of a child are enshrined in the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. These documents formed the basis of the work of the CLRC and its proposals for a comprehensive new Children's Statute.

45. The overriding principle in relation to child care according to the draft bill for the Children's Statute is that "in all dealings with children their best interests should be paramount". Other guiding principles that emphasize the best interests of the child include:

(a) "The State's primary objective for a child and his parents who are in need of assistance should be to work with them to stay together by making appropriate intervention rather than by removing a child to an approved home or foster parent. This is in recognition of the fact that it is in the family that the best interests of the child are met";

(b) In its dealings with parents or guardians who are not providing adequate care and protection for a child, the role of the statutory authorities should primarily be supportive and protective rather than punitive. It is also provided that once a statutory authority removes a child from his or her family, it should ensure that the institution or foster parent receiving the child will fulfil all those obligations of a parent which include the right of a child to grow up in a peaceful, caring and secure environment, and to have the basic necessities of life. The draft bill for

the Children's Statute has enshrined this principle in various ways: the minimum age of criminal responsibility is raised from the current age of 7 to 14 years;

(c) Where a child's life is in danger, an authorized person can remove such a child to a place of safety. The court can also stop anybody from having contact with a child if it is satisfied that this is necessary for the protection of the child. The draft bill places special emphasis on non-intervention and diversion. This implies that, for example in child care, if the court cannot benefit or reduce the harm in a child's life by its intervention it should not intervene. When this intervention becomes necessary it should be through community options and not institutional placements. In judicial matters the gravity of the offence should be the main fact in deciding the sentencing dispositions;

(d) Customary law and practice are particularly powerful forces in determining social issues. Customary law is recognized in Uganda as long as it does not contravene the written national laws. Uganda is multi-ethnic and customary law varies from one ethnic group to another. This makes it difficult to incorporate customary law into the national laws. Although customary practices are varied, there are certain practices which are broadly common to Ugandan society. The most significant of these is the extended family which acts as a support network. This institution is still strong as a social safety net especially in rural communities where the majority of the children live;

(e) Village resolution of problems and disputes is a common feature in most parts of the country. Thus, such common features of self-reliance and justice were incorporated in the proposals for the Children's Statute. This further strengthens "the best interests principle". We need to take note, however, of the negative aspects of customary law and practice which infringe the rights of the child such as child marriages. Some of these practices are hard to change and make the implementation of the rights generally difficult.

C. Article 6 - The right to life, survival and development

46. Uganda's commitment to the survival and development of children is stipulated in the UNPAC. To ensure child survival and development the State has identified the following major goals to be achieved by the year 2000.

(a) Reduction of severe and moderate malnutrition amongst under-five children from 4.9 per cent and 18.4 per cent to 2.5 per cent and 0.2 per cent respectively;

(b) Reduction of the infant mortality rate from 122 to 60 and the under-five mortality rate from 180 to 70 per 1,000 live births respectively;

(c) Reduction of water and faecal-based diseases by increasing access to safe drinking water and environmental sanitation from 23 per cent and 30 per cent respectively to 75 per cent;

(d) Increasing primary education for school-age children from 69 per cent to 95 per cent and the completion rate of the primary education cycle from 32 per cent to 50 per cent;

(e) Reduction of the illiteracy rate (with special emphasis on women) from 48 per cent to 24 per cent;

(f) Other measures and specific action in regard to survival and development are discussed in the articles concerning basic health, and welfare and education and cultural activities.

47. The Penal Code Act (PCA) protects the child's right to life. A mother can be convicted of infanticide if she kills her infant child below 12 months old because her mind is affected by the fact of giving birth or because of the effect of lactation (sect. 206 PCA). Any person who deliberately kills a person commits murder (sect. 183) while unintended killing becomes manslaughter (sect. 182). The law, however, does not deal with parents who, for example, let their child die because of not having him/her immunized.

D. Article 12 - Respect for the views of the child

48. The child's right for his or her views to be respected is supported by judicial practice. Under Ugandan law, a child can give evidence in a judicial matter but this evidence has to be corroborated.

49. The guiding principle in the draft bill for the Children's Statute is that in all matters concerning a child his or her opinion and interpretation of events should be taken into account, having due regard to his or her age and understanding. This principle is part of the proposed legislation as evidenced by these specific proposals:

(a) In the trial of children, the Family and Children Court should take into account the views of the child;

(b) In adoption, if the child is at least 14 years old his/her consent must be obtained unless it is impossible for the child to express this wish;

(c) In fostering, no child shall be placed with a foster parent unless the wishes of the child, so far as can be ascertained, concerning the proposed fostering have been taken into consideration;

(d) The Probation Officers' written report concerning the fostered child and family shall also include the child's views concerning the placement;

(e) Before courts pronounce an order, the views of the child should be ascertained.

50. In the study of the rights of the child at the village level, the participants agreed it was a good idea to listen and to consult children in decisions affecting them. It was, however, expressed that most people in the community do not respect the views of the child. "Their time has not come", according to one key informant. In one area of the country where the study

was carried out it was expressed that children's views could be sought but the decision remains with the parents. The children said they are neither listened to nor consulted and yet they felt they should contribute to decision-making on matters concerning them.

51. Children, especially those who go to school, have various forums which enable them to express their views freely. The Child-to-Child Programme in the Ministry of Education is such a forum. It provides the opportunity to children to take an active part in the promotion of their own health and that of their families. A report on child-to-child zones (October/November 1993) indicated overwhelming enthusiasm for the programme and a desire to include more schools in the child-to-child approach. There is a lot of potential for parents and children working together to help improve health in the home. A glaring limitation of this programme is that it is still limited in its coverage. This means that only very few children are engaged in this programme. It is also evident from the preceding paragraph that most people hardly listen to their children. It is therefore likely that few parents listen to the children's health advice let alone take it seriously. If the parents listened, this would greatly enhance respect for the child's knowledge and empowerment.

IV. CIVIL RIGHTS AND FREEDOMS

A. Article 7 - Name and nationality

52. Issues of nationality are provided for by the Constitution. Both the 1967 Constitution and the draft Constitution specify who shall be a citizen of Uganda by birth and by registration. A child acquires citizenship at birth if one of the parents at the time of his/her birth was a citizen of Uganda.

53. Article 42 (1) of the draft Constitution provides that a child of not more than seven years of age found in Uganda whose parents are not known shall be presumed to be a citizen of Uganda by birth. The draft Constitution also guarantees an adopted child the right to nationality. It provides that a child of not more than 16 years of age neither of whose parents is a citizen of Uganda shall by virtue of the adoption be a citizen of Uganda (art. 42 (2)).

54. The other provisions in the laws of Uganda relating to name and nationality are contained in the Births and Deaths Registration Act (1970) amended by Decree No. 3 of 1974. It is a requirement that all births and deaths should be registered before six months elapse. However, for children born outside marriage the father of the child has to consent to such registration. Registers are placed at easily accessible administrative units which are at the subcounty or urban authorities. At the moment this practice and requirement has been lax and there are efforts to revitalize this important provision. A project has been initiated in the Ministry of Justice and Constitutional Affairs to revive and strengthen the registration of births and deaths.

55. During discussions with community groups on children's rights in 42 villages picked from different parts of the country, the right to a

name and nationality were hardly mentioned. This is not because they are not valued but rather that they are taken for granted. Most children in Uganda enjoy a family relationship with their parents and/or extended family, they have a name and belong to a specific clan. However, it is very important that the community is conscious of this fundamental right for a child to have a name and nationality.

B. Article 8 - Preservation of identity

56. Every child in Uganda immediately after birth is given a name. The names in some societies are specific to clans and families. In some instances you can tell a person's clan tribe or ethnic grouping by the person's name. Uganda is committed to promoting the cultural identity of its people. The constitutional amendment Statute No. 7 of 1993 allows every citizen to adhere to the cultural institutions of the community to which he or she belongs or a community of his or her choice.

57. The draft bill for the Children's Statute provides for the right of a child to know the identity of both parents. Where the identity of either parent is withheld reasonable social measures shall be applied to ensure that the identity of the other parent is revealed.

58. New rules to regulate fostering have been developed. These also have regard to the child's identity. Where a child's religion is known the child should be placed with a foster parent who is of the same religion as the foster child. It is further provided in the fostering regulations that whenever possible a child should be placed with a foster parent who is of the same cultural background as the child's parents and who originates from the same area in Uganda as the parents of the child.

59. The Children and Babies Homes Rules Statutory Instruments (13 and 14 of 1991) stress that where children are placed in residential homes as in need of care and protection, all measures should be taken to place those children in institutions within their home districts or ethnic region.

60. Where parents/guardians exist, they are encouraged to keep contact with the child. This would facilitate better adjustment and resettlement when they go back to their communities. All the above measures aim at preserving the identity of the child.

C. Article 13 - Freedom of expression

61. Both the 1967 Constitution (art. 8) and the draft Constitution (art. 57) respect the right of every person in Uganda to freedom of expression.

62. The leading newspapers in the country give weekly page space to children on which their articles on various subjects are produced and published. In both secondary and primary schools children are encouraged to produce their own newsletters. Most schools have debating clubs which encourage children to talk freely and debate issues of interest and of national and global concerns. One of the leading newspapers (The Monitor) publishes a biweekly, exclusively children's paper "The Children's Voice". The UNICEF-supported children's paper "Straight Talk" encourages children to express their own views on sex

and sexuality. This is a publication of the Safeguard Youth from AIDS (SYFA) programme. SYFA is a programme being implemented by the Government through the Uganda AIDS Commission. It is the youth focus of AIDS prevention in the country.

63. Both State-owned Radio Uganda and Uganda Television give air time to children. Even the two privately owned radio stations give opportunities to children to participate in broadcasting. The limitation for the media as a channel for children to express their views is their reader and listenship. Radio Uganda broadcasts in about 23 languages but radio listenship is affected by ownership and access. In 1987 approximately 26 per cent of the population owned radios. The same applies to television which is limited to the capital and the major towns. Thus, enhancement of the child's right to freedom of expression is still affected by lack of access and coverage.

D. Article 17 - Access to appropriate information

64. The Government of Uganda is aware and is concerned about the poor situation concerning the availability of appropriate children's books for both academic instruction, general information, and entertainment.

65. In regard to instructional materials, textbooks are scarce and expensive especially at the primary level. It is estimated that only 15 per cent of the total instructional materials required are supplied by the Government and community resources. Supplementary reading materials are rare and whatever are available are largely unrelated to the environment and lifestyles pupils experience in their communities. Libraries are non-existent at primary school and in the majority of secondary schools.

66. The steps that the Government is taking to improve this situation as clearly indicated in the White Paper on Education are:

(a) Establishing education material and equipment production centres. As far as possible they should use the available local resources for production. Low-cost printing techniques for textbooks have been identified and a textbook unit is to be set up under the 5th IDA Project. The private sector will also be sensitized to enhance its capacity to publish and print books;

(b) A system should be established for motivating teachers to write books under the guidance of the National Curriculum Development Centre (NCDC) and the Uganda Literature Bureau (ULB) and arrangements should be made to publish them locally.

67. Government encourages local publishing firms to produce readers for children in school from P1-P7. To ensure that these readers are appropriate, they have to first be vetted by the national book vetting committee which is in the Ministry of Education. The readers which are found appropriate are purchased and distributed in the schools.

68. Children are also involved in producing their own literature. One such initiative is the "Minds Across" writing project. Children between

the ages of 5 and 14 write books for themselves, their peers and adults. Child-to-child produces a newsletter which circulates in schools and the public generally.

E. Article 14 - Freedom of thought, conscience and religion

69. The protection of the fundamental human rights of which freedom of thought, conscience and religion is part, is stipulated in both the existing and draft Constitutions. Freedom of religion is evident in Uganda by the existence of numerous religious groups. These worship and associate freely without interference. Both children and adults have the right to choose whatever religion they want to belong to.[1] The common practice, however, is that parents initiate the children into their own religion when they are still very young. The children are thereafter expected to adhere to the religion they were initiated into even when they grow up. A child has a limited capacity to understand and appreciate the meaning of religion. However, when a child grows up, he or she can decide to exercise the religion of his or her choice. To uphold the citizen's right to religious affiliation, the Government of Uganda shall not adopt a State religion (art. 6, draft Constitution).

F. Article 15 - Freedom of association and of peaceful assembly

70. Freedom of association and of peaceful assembly is provided in the draft Constitution (art. 59). The Government encourages co-curricula programmes in both primary and secondary schools. In respect to secondary schools the Government's position is as follows: every school should have activities leading to the development of talent and enhancement of personality and character formation of the youth. The activities should include academic societies and clubs, debates, exhibitions, science fairs, subject contests, music, dance and drama, sports and games, hobbies, community work, productive use of leisure time and patriotic ceremonies. Children belong to one or many of these co-curricula activities.

71. Children in Uganda on certain occasions participate in peaceful assemblies and marches to highlight those issues that affect the lives and futures, e.g. children have demonstrated against road accidents that are claiming a lot of lives of both adults and children; environmental degradation; child abuse, especially defilement. Children always join the rest of the citizens to celebrate important national events such as Independence, Day of the African Child, Labour Day, Heroes Day, etc. Such functions give children an opportunity to express their needs and concerns.

G. Article 37 (a) - Torture and degrading treatment

72. Respect for human dignity and protection from inhuman treatment is upheld in the draft Constitution. It provides that no person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment (art. 54). The draft bill for the Children's Statute has excluded corporal punishment as one of the dispositions the courts can use in regard to children who are convicted of criminal offences. Acts of bullying have been banned in schools and whoever engages in such act faces serious disciplinary measures.

H. Article 16 - Protection of privacy

73. The right to privacy is enshrined in article 57 of the draft Constitution. The draft bill for the Children's Statute protects the right of a child to privacy. It is stipulated that no person may in respect of a child charged before a court of law publish any information that may lead to the identification of the child except with permission of court. A heavy fine (U Sh 500,000) or a term of imprisonment not exceeding six months or both is to be imposed on any person who violates the privacy of the child in the court process.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

74. A family may be considered at different levels. At the simplest level is the nuclear family consisting of a husband, a wife and their own offspring. At the complex level, a family consists of the nuclear family plus the near and distant relatives of the husband and wife. This is what is termed the extended family. These are the two major family structures which exist in Uganda and they play a crucial role in the child socialization process. Other forms of families include composite families which come about as a result of remarriage. Remarriage results in families consisting of children acquired from previous marriages plus those of the present marriage. There also exists one parent families and families without parents, and polygamous families.

75. It should be noted that the family in Uganda is faced with numerous problems, some of which arise from the families own structural characteristics and others from their own survival environments. In regard to polygamous and composite families, wives and children can suffer many psychological problems and material deprivations. Children especially suffer from parental neglect.

76. An important family problem which relates to the cash economy and the urban environment is that of the working mother. The working mother has to find someone to look after the children while she works. Usually some young girl or boy is left to care for these children. The care given is neither adequate nor appropriate. Often children left under the care of young girls or boys are physically and sexually abused.

77. The one-parent family is the result of separation, divorce, widowhood or unmarried parenthood. In such a family, earning a livelihood and child care are shouldered by one parent. In most cases in Uganda the one parent is the mother who often finds it difficult to secure opportunities for income generation and also deal with the issues of child discipline. As a result children often come into conflict with the law.

78. Families without parents are the result of calamities that have befallen this country especially through the AIDS epidemic and the many years of civil strife.

79. Although the family is facing a lot of pressure, it still remains the most viable setting in which to bring up children. The draft Constitution (art. 13) recognizes the family as the natural and basic unit of society and it shall be entitled to protection by society.

80. The Probation and Welfare Department, which has responsibility in Government for the welfare of children, has emphasized in its values the role of the family as the best place for a child's growth and development. These values are the basis of the National Social Policy formulation process which is now in progress.

A. Article 5 - Parental guidance

81. The principle that when decisions about a child's care and protection are being considered or made, parents and members of the extended family should, as far as possible, be involved, was taken into account in the draft bill for the Children's Act. It is provided in this bill that in the trial of juveniles, the police should ensure that a child's parent or guardian is present at the time of the police interview with the child.

82. Under the current law (Probation Act) a juvenile who commits an offence can be released on probation. Parents are expected to help the child to reform with the assistance of Probation and Social Welfare Officers.

83. In the study concerning children's rights at the village level (already quoted), it was found that there was a general feeling that cut across gender and ethnicity. The community groups were in agreement that adults and, specifically, parents had an obligation to guide, advise and mould their children to become responsible citizens. There is awareness that childhood is a transition period during which children need special help if they are to grow up properly. There is also a need to be aware that this is also a time when children have ideas and attitudes which are of value in themselves. In the same study it was noted that some members of the community sometimes mistreat children in the name of teaching skills or guidance. Also noted was the fact that often adults expect children to take responsibilities. Adults, however, do not usually explain the implications of taking responsibility and when this is done, it is often after the child has refused or failed to do correctly what he or she was supposed to do. In anger they then explain. The findings of this study indicate that this is typically happening, and this area of child development needs emphasis in the education and sensitization programmes.

B. Article 18 - Parental responsibility

84. Uganda is a patriarchal society and this has implications for parental responsibilities. The clan is very influential in enforcing patrilineal power. A clear example of paternal power in Uganda is the accepted right of the father to remove his child from the mother at the age of seven. Mothers generally agree to this arrangement for it is through the father's clan that the child has his/her rights and property. Such a concept poses a serious block to both the rights of the mother and of the child in any decision over custody.

85. The draft bill for the Children's Statute gives emphasis to parental responsibility. There is a provision that no matter what the relationship between them is the mother and father of a child had responsibility for that child, including maintenance. This differs from the old Affiliation Law which deals with the maintenance of children born outside marriage only. The

proposed legislation extends maintenance of children of subsisting marriages to either parent. In case of separation or divorce, the customary practice in most parts of Uganda is that the custody of the child goes to the father. It is proposed in the draft bill that either parent is entitled to custody, the prime consideration being the welfare and best interest of the child.

86. The responsibility of parents for the care and upbringing of their children has been enshrined in the draft Constitution (art. 60). If both the proposals for the Children's Statute and the draft Constitution are passed, the concept of parental responsibility will have been adequately addressed. At all levels Resistance Committees, and specifically the office of the Vice-Chairman, have been mandated to promote the welfare of children within their area. They have to mediate in any situation where the rights of the child are being infringed.

87. The State does not currently render any direct assistance to parents and guardians in the execution of their responsibilities. However, there are Government-initiated programmes that may indirectly help parents to care better for their children. They are aimed at helping communities to cope with the social costs of economic structural adjustment. One example is the Programme for Alleviation of Poverty and Social Costs of Adjustment (PAPSCA). PAPSCA was formulated in Uganda after the introduction of the economic recovery programme. The overall objective of PAPSCA is to address the problem of poverty and to mitigate the adverse impacts of the macro-economic measures on certain vulnerable sections of the community. It was also designed to address some of Uganda's short-term social concerns so that the benefits of the recovery programme would be widely spread. To address the urgent needs of the most vulnerable groups PAPSCA relies heavily on local communities and NGOs for its implementation. PAPSCA is currently involved in primary school rehabilitation and low-cost water supply and sanitation, assistance to widows and orphans, support to small-scale rural productive enterprises, supply of rural housing materials, environmental sanitation, etc. One or more of these projects exist in various parts of the country.

88. Government is also trying to improve the economy which will subsequently enable better provision of social services to all Ugandans. Peace and stability have returned to most parts of the country.

89. There is a general lack of child-care services and facilities for working parents. The few day-care centres that exist are private and are not affordable by the majority of the working parents. Some attempts are, however, being made by NGOs to provide facilities for working mothers, e.g. the PAPSCA project which is providing facilities to mothers working in the markets to stay with their children. The impact of these measures and interventions is negligible and limited. This means that parents largely struggle on their own to raise their children, often in very difficult circumstances. Some of the manifestations of this situation are noted in the sections describing the health and education status of Uganda's children.

C. Article 9 - Separation from parents

90. The provisions of article 9 of the Convention have been taken into account in the draft bill for the Children's statute. The State, through the

courts of law, will only separate a child from his or her parents if it is in the best interests of the child. Where a child is suffering or is likely to suffer significant harm, and this is attributed to parental neglect, the State, through a care order, can remove the child from where he or she is living and place the child either in an approved home or with a foster parent for a maximum of three years. There are provisions for Interim Care Orders which can be for three months or less. To ensure that the use of a care order is an absolute necessity, courts will require welfare reports from Probation and Social Welfare Officers. These reports are based on comprehensive and exhaustive inquiries. In the meantime, Probation and Social Welfare Officers work with the child's family to try to resolve the difficulties that exist. The ultimate aim is to have the child reunited with his or her family.

91. The Probation and Social Welfare Officer reviews the care order annually. The officer encourages contact between the child and his or her parents and also plans for the child's return home. It is a principle upheld by Government that children should not be separated from their parents for longer than is absolutely necessary. In cases of child abuse the draft bill authorizes a Probation and Social Welfare Officer or police officer to remove a child from where he or she is living to a place of safety for emergency protection.

92. If the parent, guardian or custodian is wilfully neglecting or mistreating a child, custody can be given to the other parent. Court can also place a child with a fit person if it can be established that both the parents are unfit to have custody of the child. However, the natural parents of the child shall continue to have access to their child unless it is not in the best interests of the child.

93. If the present situation does not radically change it will remain difficult, even with the new laws, to implement the provisions of the Convention concerning this article, especially in instances that may warrant removing a child from situations incompatible with his or her best interests. In the case of child abuse for instance, the Probation Officer in the present circumstances cannot do much. The officer has no ready place to take the child. Existing children's institutions are inadequate, formal fostering is still not developed owing to cultural and economic limitations. The greater problem is that Probation and Welfare Officers have no resources, they are few and therefore cannot adequately solve the problems of the child's family and those of the child. This is a challenge which must be addressed if the provisions of this article, which have been incorporated in the proposed Children's Statute, are to be a reality in practice.

94. Parents are free and are encouraged to visit their children who may be in custody in the approved schools, reformatory schools and the remand homes. Children committed to the approved school are granted two weeks' leave every year. In this period, a child stays with his/her parents and the Probation and Social Welfare Officers facilitate the interaction. Although what has been said above regarding parents visiting their children who are in custody in approved institutions is ideal and appropriate, it has often been practically difficult because these institutions are very far from the child's

home and the parents may not have the money to make such long journeys. Similarly, children have often not been able to go for home leave because of lack of money in the approved schools.

95. There are situations when women are sent to prison when they are pregnant and sometimes with babies. The situation of prisons in Uganda is very unsatisfactory. There are no special accommodation facilities for necessary prenatal and post-natal care. By July 1993 the number of babies/children in Luzira women's prison averaged 12 per day. The law requires that mothers in prison stay with their babies to the age of 18 months. After this period, the children are still too young to be taken away and the mothers are also reluctant to part with their children. There are not yet concrete steps to address the needs of children whose mothers are in prison. Their stay in prison with the mothers in a situation of insufficient facilities greatly affects their welfare and development and is a situation requiring immediate action.

D. Article 10 - Family reunification

96. There is apparently no specific legislation concerning specifically the right to family reunification as provided for in the Convention. However, it is a right for every Ugandan to move in and out of the country without undue restriction as long as this does not jeopardize State and public interest. The Immigration Act (1969) regulates immigration into Uganda. There exists an Immigration Board which determines whether or not an entry permit shall be granted to any person. The Act specifies prohibited immigrants, including children if under 18 years of age and dependants of a prohibited immigrant.

E. Article 27 (4) - Recovery of maintenance for the child

97. The proposals of the Children's Statute provide for the maintenance of children where either parent has neglected to provide maintenance irrespective of whether parents are married, staying together, separated or divorced. The application for maintenance can be made during pregnancy or before the child attains 18 years of age. This proposal attempts to cover even children of subsisting marriages who are sometimes in need because of the wilful refusal of parents to provide maintenance. Currently there is no civil legislation addressing maintenance of children during a subsisting marriage. The current Affiliation Law (to be repealed by the proposed legislation) states that only the mother can institute court proceedings for the maintenance of a child by the putative father within a restricted period of 12 months. The current law only addresses the maintenance of children born outside marriage.

98. In computing the Maintenance Order the proposals set out a criteria which the court takes into consideration. The court considers the financial status of the parent, the cost of feeding, clothing and other expenses that directly relate to the welfare of the child. In the case of a breach of a Maintenance Order, courts can seize, sell or redistribute the defaulter's property. This better ensures a child's welfare as opposed to the use of punitive measures. The present statistical returns from Probation and Welfare Officers do not clearly indicate the cases of maintenance handled. However, experience shows that cases of maintenance constitute a very big percentage of the workload in Probation and Welfare offices.

99. The Uganda Association of Women Lawyers (FIDA (U)) also handles cases of maintenance/custody. The following figures show the cases handled between 1990-1992:

1990	252
1991	257
1992	446

100. As can be seen, maintenance of children is quite a serious problem. Both the responsible Government department and FIDA initially use a negotiation and reconciliation approach to recover the maintenance. It is only when those having financial responsibility for the child become stubborn that legal measures are taken.

F. Article 20 - Children deprived of a family environment

101. Children in Uganda constitute about 57 per cent of the total population, and a considerable number live under very difficult circumstances. Several categories of children deprived of a family environment exist in Uganda and they include:

102. Abandoned children. This problem occurs mainly in towns. The reason for abandoning children include unwanted pregnancies by single or student mothers, denial of paternity, desertion and often the disabled child. The actual number of abandonment cases in the country are not known, and this makes it difficult to assess the magnitude of this problem. However, information obtained from one Children's Home in Kampala, (Nagʻuru Reception Centre) concerning children in need of care and protection over a period of three years give an indication of the extent of this problem:

Year	M	F	Total
1991	25	10	35
1992	31	12	43
1993	25	20	45

It was confirmed by the Warden of the Home that most of these children were abandoned.

103. Orphaned children. Socio-economic upheavals, war and AIDS have all contributed to Uganda's orphan crisis which is expected to rapidly worsen. In Uganda an orphan is defined as one who has lost one or both parents. It is estimated that the number of orphans is 1.5 million. This situation is, however, going to escalate because of the AIDS pandemic. It is projected that the number of orphans due to AIDS will increase five-fold in the next five years.

104. Street children. The problem of street children has hitherto not been directly tackled by any ministry. This is a category of children working and

living on the streets. Poverty, hunger, civil strife and broken homes, among other factors, are responsible for the condition of these children. In order to address the problem of street children the Ministry of Labour and Social Affairs with the assistance of UNICEF commissioned a study on street children. According to this study, carried out in 10 towns in Uganda, the number of street children was 3,827. The distribution is shown below:

Town	Girls	Boys	Total
Jinja	70	130	200
Mbale	70	130	200
Busia	459	661	1 120
Malaba	246	354	600
Masaka	0	120	120
Mbarara	0	60	60
Kampala	116	1 131	1 147
Gulu	10	76	86
Arua	15	185	200
Kabale	8	87	95

105. The study identified two categories of street children: full-time street children who comprise 12 per cent who spend all their active life on the urban streets, and part-timers, comprising 88 per cent, who spend the day on the streets and at night go back to places where they get some kind of shelter/accommodation.

106. As a response to the problem of children without a family environment, many children's homes, popularly known as orphanages, emerged. Research conducted by the Ministry of Labour and Social Affairs and the Save the Children Fund (UK) in 1992 on existing children's homes revealed the following:

(a) Total number of Homes: 75;

(b) Total number of children in these Homes: 2,882;

(c) Children with both parents alive: 421;

(d) Children with single parent alive: 1,284;

(e) Children without parents but with relatives: 754;

(f) Children with neither parents nor relatives: 423.

107. What came out clearly from this study is that about 85 per cent of the total number of children could go back to their homes. What should be particularly noted about these Homes is that most of them did not have resources and struggled with a skeleton staff who in most cases had not received any formal training in child care. Often the minimal resources were at the same time the source of livelihood for the "owners" of these Homes. In most instances, therefore, the basic needs of children were not adequately met, and in extreme cases their rights were grossly infringed.

108. To protect the rights of the children in these institutions, Government formulated the Children and Babies Homes Rules (Statutory Instruments 13 & 14) of 1991. The Rules legalize the establishment of Children and Babies Homes by requiring that they first seek approval from the minister responsible for children's affairs. The Rules also set minimum standards in terms of staffing, accommodation, management, etc. Hitherto the uncontrolled establishment of Children's Homes with varying standards was a prime concern.

109. An interministerial committee was set up (October 1992) to examine all applications for approval and make recommendations to the minister responsible for children's affairs. By 30 May 1993, 35 Children and Babies Homes had been approved. Each Home is approved to cater for a maximum number of children depending on the facilities. The combined maximum number these Homes have been approved for is 1,216. Those which felt that they could not meet the standards voluntarily closed and these numbered five by the end of 1993.

110. Government has also appointed an Inspector of Homes who regularly visits these Homes, advises them and ensures that they are operating in accordance with the rules. Probation and Welfare Officers are supposed to ensure that Homes which do not meet the basic standards do not operate. The work of the Inspectorate is overseen by the Children and Babies Homes Ministerial Advisory Committee. Regular inspection of these Homes has improved the standards of care but there is a lot that can still be done.

111. There is only one institution run by Government which is meant to receive and cater for children who may not have families, especially those that have been abandoned. This is the Naguru Reception Centre in Kampala. By the end of 1993 there were 45 children in need of care and protection.

112. The number of children in the biggest remand home in Kampala committed there for care and protection was 12 as of December 1993. Statistical returns from Probation and Social Welfare Offices countrywide as of September 1993 indicate that 307 children needed care and protection.

113. It is particularly important to note about government homes, that most of them are in a bad state of repair and are inadequately provided for owing to budgetary constraints. These also generally do not present suitable alternatives for children deprived of a family environment. They are not a good example to the non-governmental Children's Institutions which are expected to strictly observe the Children and Babies Homes Rules. Government policy concerning vulnerable children is that, where possible, children should grow up in a family environment as opposed to institutions. While institutions cannot be done away with altogether they should be used as a last resort. Thus, children who have a family to go to who are currently in

government or NGO Homes are being reunited with their families. This exercise, although initially not popular with NGO Homes, is now going on well, and the administrators of these Homes are appreciating the need for children to reunite with their families/relatives who are willing to receive them back and care for them. The figures available in the Ministry of Labour and Social Affairs show that between 1989 and 1992, 1,027 children had been resettled. A follow-up of these children to evaluate the resettlement exercise showed that of the sample of 70 taken 60 had successfully resettled in their communities and only 10 cases were recorded as unsuccessful.

114. Government is aware that some children inevitably have to remain in institutional care. The Ministry of Labour and Social Affairs is working with SCF (UK) to improve the standards of child care in Children's Homes and institutions. Assessment of these institutions highlighted training needs of staff in child health, child nutrition, children with special needs, skills in training children, and planning and administration of Children's Homes. As a result a distance learning programme based on the above areas was developed and takes account of the differences in the education and literacy skills. All the staff in the children's institutions are encouraged to participate in the programme at their own pace. Over 200 staff of Children's Homes and institutions have completed the programme and been awarded a certificate of attendance. This programme has generated a great deal of public interest and it is being currently adapted to meet the needs of workers in community-based child-care organizations.

115. The Government is encouraging fostering as a better alternative to institutional care, but it is still unable to provide any form of assistance to foster parents. In any case formal fostering is still unknown to many Ugandans, and is often confused with adoption. Most Ugandan communities exercise informal fostering on a large scale and do not easily appreciate the need for formal fostering. An indigenous NGO, the Uganda Foster Care and Adoption Association (UFCAA), is trying to popularize the institution of fostering and adoption. It was started in 1990. The aim of the Association is to reduce long-term placements in child-care institutions for children who have no known or suitable relatives by promoting fostering and adoption. One of its major objectives is to encourage fostering families and support those in need to cope economically through self-help income-generating activities. The Association runs programmes on Radio Uganda in several vernacular languages relating to fostering in particular and the rights of children in general. Both the Probation and Welfare Department and UFCAA are in the process of enumerating the number of children in foster care.

116. Another indigenous NGO, Fiends of Children Association (FOCA), was founded in 1987 by a group of people working with both local and international NGOs and government departments. FOCA's vision is that disadvantaged urban out-of-school children (street children) should be empowered to be self-reliant in a way that best suits their potential and to be useful and acceptable members of their communities. FOCA is undertaking several projects in blacksmithery, weaving, tailoring, craft making and metal fabrication. The total number of street children involved in the various projects mentioned is about 98. The activities of FOCA are currently limited to the capital, Kampala.

117. there are other interventions, again by indigenous NGOs. The "Bring the Children from the Streets" organization is using phased de-institutionalization where children are first collected together and each child's case examined and possibilities of reintegration into the community explored. Africa Foundation's approach is full institutionalization. Children Restoration Outreach is operating in one of the country's large towns (Mbale) which also has a big population of street children. This organization is using the integrated approach. In this approach the main actors in the problem of street children are isolated and targeted for intervention.

118. In yet another town (Jinja) part-time street children have been accepted as an integral part of Jinja mainstream society. These children have been integrated into the activities of the "Katimba Traders Association" and have been registered as full-time members. This positive attitude has controlled the numbers as the potential street children form the bulk of the "bicycle taxis" (boda boda). These are recognized and registered by Jinja municipality. Jinja Municipal Council has also started building a school for street children.

119. The study on street children concluded that in terms of numbers the street children problem is not yet beyond control. However, there is already an outcry in most towns of the country. In Kampala these children are often indiscriminately arrested and dumped in the Remand Home, as part of the efforts to respond to this public outcry. The findings of this study will enable appropriate interventions by both the Government and NGOs.

120. The draft bill for the Children's Statute has put in place measures to address the needs of children deprived of a family environment. Measures to regulate formal fostering (Foster Care Placement Rules) have been formulated under the legislative proposals on child care. In the draft bill, Probation and Welfare Officers are supposed to supervise placements of children with foster parents and they also have the power to remove the child from a foster parent to an approved home or vice versa, the prime consideration being the best interests of the child. Foster parents have to meet certain criteria as to their eligibility, e.g. character, health, home conditions, and they undertake to meet certain specified requirements for the child. The foster placement rules also stress that foster parents with whom the State wishes to place children know what is expected of them and are able and committed to do it. This has to be confirmed by independent sources from within the community.

G. Article 21 - Adoption

121. The present adoption law is inadequate in many respects. It is restrictive on who should adopt a Ugandan child, and also allows intercountry adoption without laying down comprehensive procedures and safeguards.

122. The draft bill for the Children's Statute lays down comprehensive procedures that will safeguard the interests of adopted children. The proposals also make adoption more accessible for Ugandans who wish to adopt Ugandan children. It is stated in the proposals that an adoption order may be made to a sole applicant or jointly to spouses. However, the applicant or one of the joint applicants should have attained the age of 25 years and be at

least 21 years older than the child. No adoption order should be made in favour of a sole male applicant in respect of a female child and vice versa. If, however, there are special circumstances that justify as an exceptional measure the making of an adoption order the court may take this into account.

123. Where the child and the applicant are both citizens of Uganda, the application should be made in the Chief Magistrate's Court. The applicant is expected to have fostered the child for 12 months under the supervision of a Probation and Social Welfare Officer.

124. In case of inter-country adoption, any non-Ugandan can apply to the High Court to adopt a Ugandan child. However there are certain conditions that have to be fulfilled. The applicant (non-Ugandan):

(a) Should have stayed in Uganda for at least three years;

(b) Should have fostered the child for at least two years under the supervision of a Probation and Social Welfare Officer;

(c) Does not have a criminal record;

(d) Has a recommendation from his/her home country concerning his suitability;

(e) Has satisfied the Court that his or her country of origin will respect and recognize the adoption order and will grant resident status to the child.

125. The rights of adopted children are safeguarded by the proposed Children's Statute. It is provided that where an adopter dies intestate the property shall devolve in all respects as if the adopted child was the natural child of the adopter; where there is an apparent injustice to the adopted child the court may intervene. To strengthen the consideration given to the child's wishes, if the child is 14 years his or her consent to adoption must be obtained. By the age of 18 it is proposed that the adopted child should be informed of the identity of his or her natural parents if they are known. It is also proposed that the Registrar-General of Births and Deaths should maintain an Adopted Children's Register.

126. Information on adoption is scanty and limited. Recently, a study of applications at the High Court of Uganda 1943-1993 was concluded by the Uganda Foster Care and Adoption Association. The study noted that Ugandans were in the past not interested in adoption. This is attributed to a probable conflict between indigenous cultural beliefs and what adoption means. Adoption implies that an adopted child is a full member of the family and clan which cannot easily be appreciated. The study reveals that from 1943-1993 there was an estimated 360 applications in the High Court for adoption the majority of the applicants were non-Ugandans). Of the number of applications only 250 were entered in the Adopted Children's Register. With public education on fostering and adoption Ugandans are now getting interested and involved in adoption.

H. Article 11 - Illicit transfer and non-return

127. As already noted, the law on adoption does not adequately address intercountry adoptions. As a result children have been taken out of the country on guardianship orders, never to be heard of again. A few such children have tried to make contacts back in Uganda seeking reunion with their families. Such children constitute the victims of abuse, enslavement and trafficking, in the organs of third world children shipped to the developed countries under the guise of adoption. The measures to regulate intercountry adoptions already examined will partly address this problem.

128. The study on applications for adoption (above) contends that because of the frustrations of the law on adoption, many non-British foreign applicants are resorting to legal guardianship as a substitute for adoption. As a result an undetermined number of children have left the country and continue to do so under de facto adoptions (legal guardianship). The Uganda Law Reform Commission has expressed interest in taking up this area and is currently examining various international conventions and agreements that were not adequately catered for by the CLRC. There seems to be no known bilateral or multilateral agreements Uganda has concluded in regard to illicit transfer and non-return of children.

I. Articles 19 and 39 - Protection from abuse and neglect

129. Data on the number of children subjected to abuse and neglect are generally lacking. There are many forms of abuse and neglect which take one or a combination of the following forms: physical abuse, sexual abuse including child marriage, emotional abuse, physical neglect, failure to provide necessities of life, abandonment, etc. The implications of abuse are that the abused child cannot live a life that can be considered normal for their age due to the physical and psychological scars of their abuse. Existing criminal legislation (sect. 152 Penal Code Act) provides for the offence of desertion of children. It is also an offence for any person who has lawful care of any child of tender years and unable to provide for itself refuses or neglects to provide sufficient food, clothes, bedding and other necessaries for such child. Unfortunately, although such cases occur in the community not many of them are reported; even where they could be successfully prosecuted the children benefit little as punitive measures are usually taken.

130. Measures to protect children from abuse and neglect have been proposed in the draft bill. Resistance Committees have a responsibility for the welfare of children in their area. Resistance Committees will mediate when the child's rights are abused. This proposal was made with regard to the fact that it is through the attitudes held especially at village level that the prevention of abuses to children will be most effectively addressed.

131. Parents are also obliged to provide proper care and guardianship and if they deliberately refuse, RC courts are to be empowered to impose a Parental Bond. Sometimes it is necessary, especially in cases of child abuse, for immediate action to be taken. The court empowers the Probation Officers with or without a police officer to enter, search and remove a child to a place of safety. Provisions have also been made for emergency protection without a

court order, and also an exclusion order. The latter stops anybody, in the best interests of the child, to have contact with the child or the people in whose care the child may be.

132. There are virtually no programmes for treatment of victims, including measures to promote physical and psychological recovery and social reintegration. Part of the problem is that the responsible government department is under-resourced and does not have qualified social workers in all the districts. The recent Manpower Requirements Survey for the Department of Probation and Social Welfare indicated that there were 76 members of staff. The potential establishment is 267 leaving a deficiency of 191 staff. In terms of practical skills, most of the existing staff are not competent enough to handle an abused and traumatized child.

133. There are no special examination and treatment centres for victims of abuse, especially sexual abuse. The victims are examined and treated in the general hospitals and private clinics. Because of embarrassment and lack of knowledge of preserving evidence in cases of defilement, most cases are either not reported and those reported are often mysteriously lost. The Ministry of Labour and Social Affairs is developing some materials for use by the community-based child-care groups and one of the issues being addressed relates to the needs of abused, aggrieved and traumatized children. In the African context the community, which means a lot, is still potentially able to play a big role in the normalization of lives of abused children, reintegrating them and helping them to take up an active role within it. There is still a great need, however, to address the issue of physical and psychological recovery as well as the social integration of children who are abused.

134. Supplementing government efforts in the area of abuse and neglect are the activities of NGOs and professional associations. In 1991 the Uganda Medical Women Doctors Association organized a Scientific Conference on child abuse and neglect to draw up a plan of action to address the problem of child abuse and neglect. Many scientific papers were presented on topics such as safe motherhood, child abuse and neglect, nutrition and child neglect, and child labour.

135. The Uganda Chapter of the African Network for Prevention and Protection Against Child Abuse and Neglect (ANPPCAN) was launched in July 1992. ANPPCAN believes that child abuse and neglect can most effectively be addressed at the grass-roots level. This is only possible, however, if communities are sufficiently sensitized about the nature, extent and implications of the different forms of abuse and neglect, and equipped with the necessary skills for intervention. One of ANPPCAN's objectives is to carry out advocacy for children's rights and in particular those set out in the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. ANPPCAN's major concern in the area of sexual abuse and child labour is how to prevent the problem and coping with the effects of abuse and

neglect. The most effective way ANPPCAN believes it can operate is to continue to equip communities with the knowledge and skills to protect their own children.

136. The Federation of Women Lawyers of Uganda (FIDA) has established a Children's Desk. The Desk was launched on 16 June 1993 to mark the Day of the African Child. Among the objectives of the Children's Desk is to sensitize the community about children's rights, and to protect children against child abuse and defilement. FIDA intends to use the media, music, dance and drama to reach out to the public. FIDA will identify, investigate and report child abuse cases. It will also provide counselling to child victims of abuse.

137. Action for Development (ACFODE) is an indigenous NGO whose mission is the empowerment of women. This organization has also been at the forefront in creating awareness concerning child abuse and, particularly, defilement. It follows up reported cases of defilement with appropriate authorities and refers cases of abuse to relevant agencies for appropriate action. A new organization, "Hope after Rape", has been formed to help victims of rape with special emphasis on psychological recovery.

J. Article 25 - Periodic review of placement

138. The proposed Children's Statute includes measures for the periodic review of placements in respect of children who need care and protection. Where a child has been removed from his/her family and placed with a foster parent or an Approved Home, under a Care Order, the Probation and Welfare Officer should review this placement annually. A written report must be submitted if requesting for an extension of the Care Order. The Probation and Welfare Officer has to keep contact with the child's parents/guardians and arrange for a trial period at home as soon as it is appropriate.

139. In the Foster Care Regulations, no child should remain with a foster parent if the placement is no longer in the best interests of the child. The time when a Probation and Welfare Officer has to make an initial visit to a child placed with a foster family has also been stipulated. This varies with age. If the child is under two years, within two weeks and thereafter every three months, where the child is above two years, within one month after placement and thereafter once every three months. The Probation and Welfare Officer can also visit at any time when there is need. There are also provisions for variations of custody in the event of a parent who has custody of a child wilfully neglecting or mistreating such a child.

140. The Approved Schools Act also allows the head of the Approved School to periodically review each individual case and according to the merits of each can release a child before the committal period expires. The Inspector of Children's and Babies Homes works closely with Children's Homes. If it is established that it is not in the best interests for the child to remain in a particular home, then alternative placements can be sought after consultations with the area Probation and Welfare Officer.

VI. BASIC HEALTH AND HEALTH SERVICES

A. Article 6 - Survival and development

141. The Uganda National Plan of Action for Children (UNPAC) specifies three broad aspect of the health problems facing children in Uganda today. These are:

(a) High rates of mortality among infants and children under five years old;

(b) High rates of malnutrition amongst both children and women;

(c) High maternal mortality rates.

142. The Infant Mortality Rate (IMR) is currently estimated at 122 per 1,000 live births, and the under five mortality rate stands at about 203 per 1,000 live births. Morbidity and mortality patterns are dominated by preventable diseases.

143. Uganda experiences a severe nutrition problem. The prevalence of about 20 per cent low-birth-weight babies and 45 per cent of chronically undernourished or stunted children under five years of age clearly demonstrates the magnitude of the problem. The nutritional problem affects Ugandan children long before they are born and gets worse during the post-natal life. Studies on micro-nutrient deficiencies indicate some Ugandan children are affected by Vitamin A and iodine deficiencies. In one district of Uganda, 5.4 per cent of children under six years showed signs of vitamin A deficiency. As a consequence, the prevalence of corneal ulceration and scarring among children was 20 times more than the WHO minimum criteria defining vitamin A deficiency as a public health problem. Thus, the existence of such severe nutritional problems implies the extreme violation of a basic human right for almost half of the country's population. Malnutrition contributes significantly towards limiting the right of children to survive and achieve their full potential.

144. Accurate information on maternal mortality is lacking. No community-based maternal mortality studies have been conducted in Uganda. Only hospital-based maternal mortality studies have been conducted. Current estimates indicate that the rural maternal mortality rate is between 700-1,000 for every 100,000 live births. The urban rate is estimated at 300-500 deaths per 100,000 births. The higher estimate for rural areas reflects the fact that about 60 per cent of births in rural areas do not take place in a health unit or with a trained assistant.

145. HIV/AIDS is a threat to the survival and development of children. Aids is responsible for about 70 per cent of deaths among children below the age of five years. The Uganda AIDS Commission indicates that by June 1993 a cumulative total of 41,193 cases had been reported. Of these about 92 per cent were above 12 years and 8 per cent were below 11 years. Of the estimated 1-1.6 million people infected with HIV in Uganda, about [figure missing] are women of child-bearing age (15-49) with 25-40 per cent of

infected children dying in their first year of life. This is the situation that some of the measures highlighted under article 24 below have tried to address.

B. Article 24 - Health and health services

146. At present, 36 out of 39 districts of Uganda have a government hospital. There are altogether 95 hospitals, 196 health centres, 121 dispensaries/ maternity units, 21 maternity units, 258 dispensaries, 694 sub-dispensaries and 98 aid posts. These facilities provide both preventive and curative services. On average 27 per cent of the population live within 4 km of a health unit, and there is a physician-to-population ratio of about 1:27,000. It should be noted that these facilities are not evenly distributed. There is a greater concentration of facilities in the urban areas, but most health units lack basic equipment and are understaffed. NGOs provide 40 to 60 per cent of the country's curative care and most work with the Government on all major public health programmes. Since 1986, social and political stability has provided an enabling environment for health services to improve.

147. The Government of Uganda has adopted a National Health Policy based on the principles of primary health care with emphasis on community-based interventions. This is in areas of health promotion, disease control, sanitation and simple curative health care. The Government has also restructured the health management system in order to decentralize decision-making within the health sector to the district level, and has also streamlined the management of the health-care delivery system to achieve a greater degree of coordination and accountability at all levels. Communities will have major roles to play in decision-making and generating resources, and implementation and supervision of health programmes in partnership with health providers. The increased involvement of communities and community health workers will be supported through a primary health-care support network that brings together both health-care technicians and the population.

148. Work on the country's Food and Nutrition Policy is in the advanced stage. The policy is to improve and promote the nutritional status of the population to a level that is consistent with good health, and facilitative of their productive capacity.

149. The Government of Uganda has identified the health sector among its policy priorities. The National Rehabilitation and Development Plan (1990/91-1993/94) includes programmes designed to support primary health care, control and prevention of disease among children, strengthening of the health education system, programmes of essential drugs, and equipment and food security. Government expenditure on health as a percentage of GDP has increased from 1.33 per cent in 1989/90 to 1.90 per cent in 1990/91 and 1.4 per cent in 1991/92. As a percentage of the total national expenditure it has increased in the last five years from 2.6 per cent in 1984 to 7.1 per cent in 1991/92. The budgetary provisions to the sectors including health largely depend on the revenue base which is still very narrow. Although some significant steps have been taken to increase resources to this sector, it is still inadequate. It is, for example, estimated that the cost of providing a

package of highly cost-effective public health and clinical services in low income countries is $2 per capita. Uganda's expenditure is still below this estimate.

150. In 1992/93 health spending was estimated to have been only $7.36 per capita consisting of government expenditure of $2.82 including external aid and estimated private expenditure of $2.44 per capita.

151. There have been significant achievements in the Government's efforts to control diarrhoeal diseases. The Government is implementing a UNICEF-supported programme on the control of diarrhoeal diseases (CDD) which are responsible for about 12 per cent of deaths of children under five years. According to the Health Sector Programme Report 1992/93, there are some activities accomplished which contribute to the control of diarrhoeal diseases. These are:

Latrines built 10,096

Homes visited 82,405

Springs protected . . . 410

The CDD programme targets were as follows:

Service access	1992	1993
Household awareness of ORT	86%	91%
ORT use per incidence of diarrhoea	40%	45%
Correct administration of ORT	30%	40%
Continue feeding during diarrhoea	80%	85%

The CDD programme is encouraging use of oral rehydration salts (ORS). The communities are being taught how to make and use home-made ORS. An important component of this programme is emphasis on early diagnosis, treatment and referral.

152. Vaccination against the six major childhood diseases - tuberculosis, diphtheria, whooping cough, tetanus, poliomyelitis and measles - is a key intervention to improve child survival rates. Uganda launched the Expanded Programme of Immunization (EPI) in 1986. The major indicator of the success of this programme is the steady decline in the incidence of measles which hitherto has been responsible for more child deaths than any other disease. Immunization against the six killer diseases has reached levels greater than 70 per cent in most districts. Maternal immunization against tetanus has attained a coverage rate of about 22 per cent of all mothers. It should be noted, however, that immunization coverage has been dropping as shown in the table below. Some possible causes of this decline include: theft of room-mounted solar panels; insurgency/insecurity in the north and north-eastern regions of the country; ongoing influx of refugees from Rwanda, Zaire and

southern Sudan; inadequate capacity in the districts to maintain and repair vehicles used in the immunization exercises. This is coupled by inadequate staff who are undermotivated because of low remuneration.

Immunization coverage (%)

Antigen	1990	1993
Infants (U1) immunized against DPT	77	73
Infants (U1) immunized against Polio	77	72
Infants (U1) immunized against Measles	73	73
Infants (U1) immunized against Tuberculosis	100	96
Pregnant women immunized against Tetanus	14 (1988)	83
Non pregnant women immunized against Tetanus	-	16

153. The achievements in immunization constitute one of the major determinants of the overall decline in infant and child mortality incidences. However, there is need to examine critically why despite the high immunization coverage the infant mortality and under five mortality rate is still unacceptably high. There is also a need to reverse the declining trends.

154. Uganda's policy on HIV/AIDS is acknowledged to be one of the most progressive in Africa. The policy recognizes and takes account of the multisectoral nature of the problem and the need for diverse means of tacking the problem. All line ministries are expected to develop their own specific AIDS control programmes. The Uganda AIDS Commission (UAC), established in 1992, plays a coordinating role for AIDS-related activities in the country. Quite substantial financial resources have been pledged to HIV/AIDS control efforts in Uganda. These resources have mainly been from external sources which may not be sustainable in the long run. Thus UAC is involved in planning and coordinating efforts as well as mobilizing and managing local resources in the fight against AIDS. Alongside the UAC is the Sexually Transmitted Diseases (STD) and AIDS Control Programme (ACP) in the Ministry of Health. The focus of this programme is education and sensitization of communities regarding STDs/AIDS prevention and control with special emphasis on behavioural change.

155. In Uganda children between the ages of 5 and 15 are still relatively free from HIV-AIDS and very few are sexually active. It is therefore a government policy to safeguard this "Window of Hope". A UNICEF-supported programme Safeguard Youth from AIDS (SYFA) is being implemented. Its key goal is to reduce the sexual transmission of HIV, especially in sexually active youth under 20 years of age. It is an education and communication programme that is implemented through existing infrastructures and with the involvement of NGOs. Activities being carried out include:

(a) Sensitizing and mobilization of decision makers;

(b) Development of materials for parents and adolescents to enable them to discuss sex and sexuality;

(c) Production of straight talk bulletins and straight talk discussions on radio and television;

(d) Participation of primary school children in HIV/AIDS prevention dramas and activities.

156. The Safe Motherhood project aims at improving maternal reproductive health and reduction of maternal mortality. The project trains and supports pregnancy monitors at the district level. The project also supports family planning efforts and is involved in creating awareness on population and development issues. The project has been active in nine districts (pilot phase) and six more districts are targeted for 1994. Pregnancy monitors were able to monitor 6,975 pregnancies in nine districts in 1993. Out of this number 6,762 were live births (97 per cent), and there were 43 maternal deaths.

157. The Ministry of Health has in the financial year 1992/93 trained 300 family planning providers. One thousand nine hundred and eight traditional birth attendants (TBAs), 1,379 community health workers, 1,000 midwives, 50 medical officers, 14 nursing aides and 6 health personnel (to degree level). The Community Based Health Care Association (CBHCA) has trained 2,000 TBAs, 10,000 child health workers and 300 trainers of trainers. A national drug policy has been passed by the NRC and guidelines on national use of drugs have been developed. All these measures will help to improve on maternal services and better child care.

158. Studies on family planning (knowledge, attitudes and practices) indicate a high awareness of family planning among Ugandan women (82 per cent); 71 per cent of women have a favourable attitude to family planning while up to 40 per cent or more of husbands disapprove of family planning. Contraceptive practice was very low at only 5 per cent including only 2.7 per cent for modern methods. Very few health units provide family planning services and in rural areas such services are provided by lower level health workers without relevant training in family planning. It is estimated that only about 90 out of a total of 700 government health facilities offer family planning services. The service delivery points need better trained staff, more equipment and more reliable supplies. As a result awareness of contraception is not being accompanied by the benefits of family planning and birth spacing.

159. The Family Planning Association of Uganda (FPAU) is the main NGO providing family planning services. It runs clinics mainly in urban areas. The clinics provide oral contraceptives, injectable, barrier and chemical methods. The permanent methods are not provided in these clinics because of lack of trained personnel. External support agencies, mainly USAID, UNFPA, IPPF are supporting family planning activities in the country. USAID introduced a social marketing project. Selling condoms has been the major activity. Since the introduction of the project, sales have risen to about 100,000 in the third quarter of 1992. There is a great need to increase

access especially to certain groups who are particularly vulnerable due to lack of information on family planning. These are adolescents and illiterate rural women.

160. Information available indicates that in Uganda new borns are universally breast fed. At three months of age, 99 per cent of children are still breast fed but only 66 per cent receive breast milk only. The rest receive water, milk and other foods in addition. Rural women in Uganda breast feed for longer periods compared with urban women. At one year after birth 81 per cent of rural women are still breast-feeding compared to 69 per cent of the urban women. Many working women in Uganda introduce other milk and foods before the child is four months old. This is mainly because there are no child-care facilities at work to enable mothers to breast feed intermittently during the day. Besides, maternity leave is only 45 days. Thus, good breast-feeding practices at birth are negated by other demands on the mother both at work and at home.

161. Efforts are being made in Uganda to promote breast-feeding as a key strategy to child survival and development. The Baby Friendly Hospital Initiative (BFHI) task force has been set up in the Ministry of Health. BFHI sets a standard of excellence in breast-feeding policies and practices in conformity with the Innocenti Declaration (1990) which calls for a permanent place for breast-feeding in every national agenda through the appointment of a multi-sectoral national breast-feeding committee. This task force will oversee the baby friendly process and impact. Uganda has been organizing and observing World Breast Feeding Awareness Week. In 1992 the theme was the Baby Friendly Hospital Initiative (BFHI). In 1993 the Week focused on mother-friendly workplace. This was to try to sensitize employers into allowing employees to bring their children to work for the purpose of breast-feeding. As a result of these initiatives, hospitals allow mothers to stay with their children while attending to the sick, and a leading sugar corporation gives two weeks paternity leave. The Government and private sector are yet to grant paternity leave. It is the aim of the Government to make all the maternity units baby friendly and to have a code restricting excessive marketing and sales of breast milk substitutes by 1995. The latter is in accordance with the international code of breast milk substitutes which was adopted by the World Health Assembly in 1981 to which Uganda is a signatory.

162. An indigenous NGO, the Uganda Lactation Management and Education Team (ULMET) promotes breast-feeding and spearheads the yearly activities during the World Breast Feeding Awareness Week. ULMET runs a lactation clinic at Mulago Hospital and produces a quarterly newsletter.

163. Under the Domestic Relations Project on Traditional and Cultural Practices in the Uganda Law Reform Commission, there are plans to identify positive cultural and traditional practices which can be codified, and criminalize the ones that are prejudicial to a child's health.

164. Diseases related to poor water supply, poor hygiene and sanitation practices account for almost 50 per cent of child morbidity. Diarrhoeal diseases are some of these, as already noted. Although for safe water supply, coverage increased from 4.7 per cent in 1980 to 26.4 per cent in 1992 in rural

areas, and from 35 per cent in 1983 to 65 per cent in 1993 for urban areas, more than 70 per cent of families still lack a safe water source within 1.5 km. This makes Uganda the least-well-served country in the world. Besides the disease burden, the low coverage results in an enormous burden of water collection in most families which is mainly borne by women and children. The other problem is the quality of water at the time of consumption. Survey completed in 1992 and 1993 in various districts showed that only 50 per cent of water collected from a safe source was still safe when drunk in the home. In another two districts only 50 per cent of the existing latrines were being used.

165. A community-based water maintenance system has been established and is being promoted by the Directorate of Water Development. Users contribute to the maintenance of their water source. The people in a particular area selec a volunteer to care for the water source and promote safe water use and sanitary behaviour. The people also appoint a hand-pump mechanic for each subcounty. The involvement of the community has raised the functionality rat for hand pumps from 36 per cent in 1981 to 85 per cent in 1993.

166. The Government of Uganda's strategies to improve water and environmental sanitation are contained in the National Plan of Action for Children. The strategies aim at ensuring that at least 75 per cent of the population have access to safe drinking water, and improving means of solid and liquid wastes disposal. This will ultimately reduce water-borne and water-related diseases. A proposed Water Act incorporating a Water Action Plan has been developed and is being reviewed by the National Resistance Council (NRC).

167. Uganda suffers from the second highest incidence of guinea worm in the world, with 126,306 cases in 1991. Factors affecting the persistence of the disease include cultural beliefs associated with the mode of transmission and lack of readily available safe water. The target is to eradicate the guinea worm parasite and most of its basic causes by 1995. The programme in place involves sensitization activities, providing water filters, vector control an management, monitoring surveillance, training of extension workers and provision of clean water. NGOs are active in this area. As a result, prevalence has been reduced by between 40-45 per cent within the last year.

168. Each division of the Ministry of Health has an Information Education an Communication Unit. This unit is responsible for producing pamphlets, newsletters, charts and other materials for the general public. It also organizes health education programmes on radio. The materials produced by th various divisions are translated into different vernacular languages and distributed free all over the country. The Ministry of Health also sponsors drama groups to produce plays aimed at transmission of specific health messages.

169. To improve the health situation Uganda has cooperated with internationa agencies and bodies, including UNICEF, DANIDA, WHO, AMREF, SCF, the World Bar CIDA (Canada), SIDA (Sweden), the Governments of the Netherlands, Norw and others. These provide logistics and other technical support.

170. The major constraints to be overcome to attain the child's right to the highest standard of health and medical care are:

(a) Limited household expenditure on health services owing to low levels of household income;

(b) Limited service provision and access;

(c) Negative attitudes and practices in respect of good health practices;

(d) Limited knowledge of the population of preventive measures such as proper sanitation and hygiene.

C. Article 23 - Disabled children

171. Quantitative information on disability in Uganda is limited, and therefore determining the exact extent is very difficult. An assessment of this problem by age and type in four districts found mental disability accounting for 25 per cent of all forms of disability. Polio is the major cause of physical disability responsible for 70 per cent of physically disabled children in a rural area of one district. It has been estimated that the number of disabled children in Uganda may range between 80,000 and 1.2 million.

172. Research carried out in nine subcounties of six districts gives a picture of the extent of disability in the country.

District	Subcounty	No. of children registered	% of total population in Subcounty
Masaka	Kalungu	444	4.4
	Kibinge	730	7.3
Arua	Oluko	536	5.6
	Afia	530	5.6
Luwero	Nyimbwa	384	3.9
Masindi	Karujubi	320	3.12
	Bweyale	321	4.16
Nebbi	Kucwiny	318	3.18
Moyo	Meto	254	2.18
	Total:	3 828	

173. Disabled children are stigmatized both by the family and by the community. They have little access to health care, recreation and education.

174. Currently there is no ministry taking direct responsibility for disable children. The Ministry of Labour and Social Affairs which has a mandate to protect all children has no specific programmes for disabled children. The Department of Rehabilitation in the Ministry of Local Government has responsibility for disabled adults, especially in skills training (vocational rehabilitation). Available institutions in the country for the disabled generally are: 7 hospitals where corrective surgery can be done; 20 hospital with active physiotherapy units; 1 orthopaedic workshop; 4 operating vocational rehabilitation centres; 55 special schools; 24 annexes for the blind; 15 schools for the physically handicapped; 4 schools for the mentally handicapped; 2 schools for the deaf. These institutions, however, have limited ability to provide the required service.

175. The Government supports and encourages NGOs to offer services for disabled children and adults alike. The Uganda Society for Disabled Children (USDC) and Norwegian Association for the Disabled (NAD) and ACTION AID are International NGOs which are working with the Government to support community-based rehabilitation.

176. Action on Disability and Development (ADD) and OXFAM support training a income-generating activities of local organizations of the disabled. Orthopaedic surgery is being supported by the British Red Cross and USAID. AVSI is involved in training of personnel. DANIDA is involved in restructuring special education in the country, through the Educational Assessment and Resource Services (EARS) Programme. The main objective of thi programme is to give services to all children with disabilities and other children with special educational needs between 0 and 18 years via early identification, prevention, early intervention, early integration and coordinating of existing services. This programme started in 1992. It has covered some districts with the establishment of EARS centres and gradually each district in the country will get its own centre. A complementary projec is the Uganda National Institute for Special Education (UNISE) which focuses on training of teachers for children with special needs.

177. The Community Based Rehabilitation Alliance (COMBRA), CBR International and others are involved in small home-based rehabilitation programmes in different parts of the country. The National Union of Disabled Persons of Uganda (NUDIPU) is an umbrella organization which is involved in the education, training and employment of disabled people in Uganda.

178. The main thrust of USDC, the leading NGO in the area of child disabilit is to educate and train children with disabilities, their families and member of the community to enable them to develop and to participate in the rehabilitative activities, and to involve disabled children and their familie in the identification and treatment of disabilities.

179. The National Plan of Action for Children (NPA) has set out the goals fo action on disability which stress community-based rehabilitation. The Min stry of Local Government has published guidelines for CBR services in Uganda. The guidelines define the roles of NGOs in the CBR programmes.

180. The comprehensive Social Welfare Policy that is being formulated by the Ministry of Labour and Social Affairs has addressed the problem of disabilit

and strongly advocates for equal opportunities with other children in all aspects of protection, survival and development. The draft Constitution has also made provision for the protection of the rights of disabled or handicapped persons.

181. Several factors are contributing to the country's inability to give full effect to the provisions of the Convention regarding disability. These include:

(a) A general lack of information on disability and rehabilitative services;

(b) An acute shortage of trained personnel to work with disabled persons. There is, for example, no speech therapist in the country. Even in the area of formal education, specialized teachers are very few. There are also very few social work agencies with specialized activities in disability;

(c) Parents lack skills and knowledge to support disabled children. This is often aggravated by a negative attitude towards the disabled.

182. The situation of disabled children is an area of national concern where a great deal remains to be done in order to integrate disabled children in the main stream of society.

D. Articles 26 and 18 (3) - Social security and child-care services and facilities

183. Many children in Uganda still benefit from the traditional family and community support systems. Although these are showing signs of stress, they are still viable and give support to children, especially orphans. There are also basic mutual benefit societies in both urban and rural areas. This observation is made because there are no definite State measures to ensure the right of a child to benefit from social security, including social insurance.

184. A form of social security in Uganda sponsored by the Government for the benefit of members is the National Social Security Fund (NSSF). This was established by an Act of Parliament No. 21 of 1967 under the Ministry of Labour. This Fund was granted autonomy as a corporation by Act No. 8 of 1985. It is basically a Provident Fund which is open to all employees in the formal sector between 16 and 55 years of age. The members contribute 5 per cent of their emoluments while the employer contributes 10 per cent of the employees emolument. This makes it 15 per cent on a monthly basis. The Fund offers old-age benefits, withdrawal benefit, invalidity benefit, emigration grants, and survivors benefit. It is only from the survivors benefit that children may indirectly benefit. The survivors benefit is paid to dependent relatives of a member who has died. The big limitation of this scheme is that the benefits are little because essentially the contribution is small owing to the generally low wages and salaries, especially in the civil service. The Fund also leaves out the majority of the people who are in the informal sector. Plans are under way to transform the Fund into a social insurance scheme that will embrace people outside the formal sector including the public service.

185. Currently, public servants who reach retirement age (55 years) receive a pension. These pension benefits are miserable and cannot be satisfactorily said to be an indirect social security provision for the children of the retired worker.

186. There are practically no social security benefits for the aged, disabled, single mothers and child-headed families. Similarly, there are no known child-care facilities at the workplace, making it impossible for mothers to go with their children to work. What exists in some big plantations and estates are educational and medical facilities for children of the workers and those from the neighbourhood.

E. Article 27 - Standard of living

187. The responsibility of the State in ensuring that parents play their part is sought to be fulfilled by section 193 of the Penal Code. It provides that: "It is the duty of every person who as head of a family has charge of a child under the age of 14 years being a member of his household to provide the necessaries of life for such child ... ." Necessities of life are taken to imply food, shelter, clothing and medical treatment. However, the provision of these alone is not enough to ensure an adequate standard of living. This provision is also inadequate and it does not even provide any penalty for the abdication of this responsibility.

188. The draft bill for the Children's Statute provides that the mother and father of a child have a continuous parental responsibility for the welfare of their child until they die or when the child is adopted. This is regardless of their marital status.

189. The majority of Ugandans still live in poverty despite the apparent success of the economic recovery programme. Therefore, parents cannot ensure an adequate standard of living for their children if they themselves are impoverished. With a poverty line of about USh 6,000 (US$ 6), 55 per cent of Ugandans can be defined as poor. Ninety per cent of the population live in rural areas and the majority make their living from subsistence agriculture. The highest incidence of poverty is in the northern parts of the country where about 81 per cent of the population have a real per capita monthly expenditure of less than USh 3,000 (US$ 3).

190. An Integrated Household Survey carried out in one region of the country showed a monthly household expenditure of about US$ 40 with 65 per cent being spent on food, 4 per cent on education and 6 per cent on medical care. This is generally not a situation that will lead to an adequate standard of living for children. Given the above situation the following are some policy interventions aimed at improving the economy and in the long run probably improve the standard of living of the people.

191. Economic Recovery Programme. The Government of Uganda recognizes the current lack of resources for the average household. The policy of the Government is to break the vicious cycle of poverty. The Government is committed to making a major investment in the country's human capital so that as many households and individuals as possible are enabled to participate fully in the development of their own lives and the country in general.

In May 1987, the Government introduced the Economic Recovery Programme (EPR) which was intended to stabilize the economy and to cause structural reforms. As a result, the annual growth rate of the GDP has risen from an average of 2.2 per cent between 1981 and 1985 to 7 per cent in 1991/92. Inflation has been reduced from 233 per cent in 1987 to about 1.3 per cent in 1993.

192. Uganda Revenue Authority. The Uganda Revenue Authority has been established and it is responsible for tax administration and revenue collection. Since its inception revenue has increased from USh 133 billion in 1990/91 to Ush 266 billion, which is about 7.7 per cent of GDP in 1992/93. The country's long-term strategy as stipulated in the NRM's Ten Point Programme and the Rehabilitation and Development Plan is to ensure a growing and self-sustaining economy.

193. Household incomes and investment drive. President Museveni in his speeches emphasized that every household must have something to sell to earn some money. The President has accordingly directed all the NRC members and the Central Government Representatives (CGRs) to help the people in their areas to identify and get involved in some income-creation activity. The Government is extending an open hand to investors from within and outside Uganda to take advantage of the abundant resources in the country and invest money singularly or in partnership. This is an area of development that the President has taken special interest in.

194. Uganda Investment Authority. The Uganda Investment Authority (UIA) has been created to help investors so that they are not frustrated by the hitherto bureaucratic procedures and corrupt tendencies of government officials. The Investment Code (1991) aims at mobilizing private sector funds for development. This is enabled by the provision of incentives and benefits for approved projects by both local and foreign investors. Under this Code investors are issued with investment licences by the UIA. Some of the incentives and facilities eligible to investors include:

(a) Exemption from import duty and sales tax on household plant machinery and equipment for the establishment of a project;

(b) Tax holiday of between three and six years from payment of corporate tax, withholding tax and tax on dividends;

(c) Assistance in acquiring other secondary licences;

(d) Protection of investment by the Constitution and settlement of disputes using standard and international guidelines.

195. Public enterprises reform and divestiture. The Government has also recognized that many public enterprises no longer have any justification for being within the public sector and has an active privatization policy. Two basic policy objectives in relation to public enterprises have been adopted:

(a) To reduce the direct role of Government in the Ugandan economy and to promote a greater role for the private sector;

(b) To improve the efficiency and performance of the public enterprises that will remain under the ownership of the Government.

196. Shelter strategy. One indicator of a country's standard of living is the nature and status of housing. There is an estimated housing stock of 2,690,900 units and a backlog of 235,904 units under construction. In Uganda the housing problem is one of both quality and quantity for urban areas and for rural areas it is mainly a problem of quality. In urban areas, the problem is manifested by deteriorating structures, inadequate infrastructure and overcrowding.

197. The Government recognizes that it cannot meet housing requirements on its own. It has adopted an "enabling" approach as its major policy by which it will be a facilitator to individual households and private suppliers to play a prominent role in the development of housing of all types. The Government has accordingly created an environment in which households, companies, NGOs and community groups can operate effectively and efficiently and thus be able to provide decent affordable shelter as well as promoting social development and improving the quality of life. A National Shelter Strategy for Uganda has been formulated to address the problem of housing in Uganda.

198. The Public Service Review and Reorganization (PSRR) exercise has greatly reduced the number of civil servants. It is hoped that the resources freed by these measures will be used to improve the rewards of the remaining civil servants so that they are able to enjoy a higher standard of living themselves and for their children. This is a long-term measure. In the short run, however, the country has to seriously think of the implications of retrenchment which in some cases has left families near destitution without the means to care and provide basic needs for their children.

199. The Government recognizes and supports the contribution of NGOs in improving the standard of living for children. These include: World Vision, Uganda Community Based Association for Children Welfare (UCOBAC), Uganda Women Efforts to Save Orphans (UWESO) and others which are involved in promoting vocations training and skills development such as tailoring, carpentry, and brick-making for children and youths. Some NGOs are helping families to care for needy children by extending loans and grants to start some income generating activities. Other NGOs are giving direct material assistance to needy children, especially orphans.

200. The results of these policy interventions as noted are yet to be felt at the household level. The standard of living for children is still very poor. For these policies to benefit the children of Uganda, especially the most vulnerable, the issue of equity must be addressed. The resources should be redirected to meeting the needs of children and ensure their survival, protection and development. If this is not done the economic recovery programme and other policies could help the macro economy without necessarily helping the individual families and their children.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Article 28 - Education including vocational training and guidance

201. Uganda is yet to provide free, universal and compulsory education. However, since the 1980s there has been a rapid expansion in both primary and secondary education. The Government, aid agencies and the community have all contributed considerably towards building and improving schools. The number of primary schools has increased from 4,276 in 1980 to 8,442 in 1993. There are about 850 government-assisted and private secondary schools.

202. It should be noted that most of these schools are in a poor state of repair and are not evenly distributed. Geographically, there is a concentration of these schools in urban centres and certain regions of the country. The quality of school education is often extremely poor. This is attributed to some of the following factors:

(a) Although overall, the number of teachers at primary school increased from 38,425 to 82,153, at least 49 per cent of primary school teachers are untrained. This situation varies from a low of 5.6 per cent for Kampala to a high of 74.2 per cent for Bundibugyo;

(b) There is classroom overcrowding especially in urban areas where a class may have as many as 120 pupils. In rural areas there is often under-enrolment and a greater proportion of untrained teachers;

(c) Poor working conditions of teachers;

(d) Shortage/absence of instructional materials - textbooks are scarce and expensive especially at the primary level. In the lower classes particularly, the ratio of textbooks to pupils is very high. In Primary 1, for example, one social studies textbook is shared among 37 pupils. In the upper classes the ratio is about 1:6;

(e) 83 per cent and 98 per cent of primary schools do not have libraries or infirmaries;

(f) Supplementary reading materials are rare and whatever is available is largely unrelated to the environments and lifestyles which pupils experience in their communities.

203. Low enrolment and completion rates in primary education are a major concern. According to the Population Census Results (1991), 54.8 per cent of the population of 6 to 12 years attended school, 56.7 per cent of males and 52.9 per cent of females. The situation is particularly poor for girls and other disadvantaged and vulnerable children such as the disabled, nomads and orphans. The problem of low enrolment is compounded by high drop-out rates, especially for girls. According to the primary cohort survivors of 1986 with a base of 1,000 beginners, 70 per cent dropped out and 30 per cent survived. In 1986 524,000 pupils were enrolled in P.1. In 1992 only 106,000 managed to reach P.7. This was a drop-out rate of 80 per cent. The overall drop-out rate during the primary cycle for males was 64 per cent while for females it

was 75 per cent. This situation manifests itself even at secondary school, where the proportion of girls to boys in secondary schools is only half that found at the primary level.

204. One problem with Uganda's education system is an inappropriate curriculum. The curriculum used at primary level has become increasingly irrelevant to the skills that children need in their lives outside school because it places emphasis on academic subjects.

205. There are few government vocational training institutions. The existing ones lack essential training materials. The Government's policy now is to vocationalize education at all levels. Right from pre-primary stage the teaching and instruction should reflect and influence positive attitudes towards respect for manual labour and dexterity. At the moment, the primary level syllabus has been written to cater for the policy of vocationalization. Besides, schools should have school gardens and workshops that can help the children to put into practice their theory learning.

206. Until recently Makerere was Uganda's only university. Recently one other university (Mbarara University of Science and Technology) has been opened. There are two private universities which have started, and many more are opening. However, Makerere still accounts for a greater percentage of the local university enrolment, i.e. 95 per cent as at 1991. The government universities budget caters for tuition, accommodation and other boarding costs. The Government has accepted the recommendation to establish a National Council for Higher Education to coordinate tertiary level education.

207. The national illiteracy rate for adults and children over five years is 33 per cent. For males it is 26 per cent, and for females it is over 40 per cent.

208. Pre-primary education exists in only a few urban centres and this sector lacks government control. There is no uniform curriculum, teaching methods or facilities and the quality of teachers varies; these can all affect the psycho-social development of the child.

209. To address the issues of education, the Government appointed the Education Policy Review Commission (EPRC) to examine policies governing education in Uganda. The Commission reported in 1989. The White Paper on Eduction contains the Government's response to the report. It indicates the recommendations which may be acceptable for implementation by the Government and the proposed implementation strategies. Some of the interventions outlined below stem from the White Paper recommendations and they demonstrate the Government's commitment to laying a sound foundation for education for all by promoting both formal and non-formal education:

(a) Steps have been taken to increase the output and quality of teachers. Distance education and in-service teacher training are being emphasized. This is being achieved through projects such as the Mubende Integrated Teacher Education Programme, the Teacher Development and Management System project (TDMS) and the Northern Uganda Integrated Teacher Education project. These projects are being supported by the Ugandan Government, USAID and NGOs;

(b) In the 1993/94 budget teachers' salaries have been increased, and a living wage is planned to be paid after the restructuring of the civil service;

(c) Government-supported initiatives through the TDMS project are now being directed at increasing community participation and awareness of the benefits of education;

(d) Vocationalization of education throughout the primary and secondary cycles;

(e) Low-cost printing techniques for textbooks have been identified and a textbook unit is to be set up under the fifth IDA project. The private sector will also be revitalized to enhance its capacity to publish and print books. The Government, with donor support, is providing textbooks and hopes to bring down the pupil-to-book ratio from 6:1 to 3:1;

(f) The Government's financial support to education has increased amounting to 2 per cent of GDP in 1992/93 compared to a mere 0.4 per cent in 1989/90;

(g) New schools are being constructed under the PAPSCA project. Out of the 520 primary schools to be reconstructed in 12 districts, 2,114 classrooms in 251 primary schools have been completed. Another 238 schools are at various stages of construction;

(h) The Government intends to discourage the establishment and operation of pre-primary boarding schools for normal and underprivileged children. The Government is going to be taking some control and responsibility for the quality of pre-primary education which remains largely under the private sector;

(i) To make the curriculum more relevant to the situation and the education needs of children, the Government under the fifth IDA Education Project is going to develop syllabi for four subjects areas for P1-P4 and train writers of textbooks and teachers guides in language, mathematics, science and social studies. Supplementary reading materials for the upper primary pupils will also be supplied;

(j) The Government is addressing the needs of orphans and other disadvantaged groups such as disabled children through the Uganda National Institute of Special Education (UNISE) and the EARS projects;

(k) To address the special needs of the girl child, special grants will be awarded to schools which enrol more girls. This is a strategy that is being implemented under the Support Uganda Primary Education Reform (SUPER) project in the Ministry of Education and Sports. At the university level, the number of places for female students has increased and they enjoy a 1.5-point advantage over their male counterparts. This policy is to be extended to tertiary institutions and secondary schools;

(l) The Government has accepted the recommendation that special incentives should be provided to children from disadvantaged groups to attract

them to school. In the areas where they live, the curriculum should provide for the teaching of such subjects and courses as are relevant to children's socio-economic activities and local environment;

(m) The Government intends to effectively control non-formal education programmes which are mainly offered by the private sector, in order to achieve greater coordination and proper mobilization and distribution of resources. The ultimate goal is the eradication of illiteracy. A project called Integrated Non-formal Adult Literacy Education has been launched. It emphasizes functional literacy as complementary strategy in providing education for all;

(n) To allow for increased teaching of vocational subjects, the Government has accepted the recommendation that primary education be extended from the current seven to eight years.

210. Owing to financial, material and manpower constraints, the Government has accepted the recommendation of phased implementation to achieve universal primary education. The target is to achieve universal primary education by the year 2003. Other strategies for basic education are stipulated in the National Plan of Action for Children.

211. The Education Act permits only the head teacher to administer corporal punishment. However, teachers do cane children in all the schools. Sometimes this takes a serious dimension resulting in injury. There is a need to take serious measures to curb this illegal and degrading practice which is not consistent with the children's rights and dignity.

212. Both local and international NGOs have played a significant role in the provision of technical and formal education. The NGOs have particularly supported education for vulnerable groups. Some of the interventions include: fees subsidy to children of poor families, provision of scholastic materials to children, renovation and construction of school buildings, sponsorship of essay competitions on the protection of the environment (World Vision). Other NGO activities include:

(a) Child sponsorship programme in three districts of the country. The programme is targeted to benefit needy children, especially orphans (Inter Aid);

(b) Support for over 10,000 children in Rakai district with school fees. These children come from families which have been affected in one way or another by the AIDS pandemic (CONCERN);

(c) Child sponsorship programme - fees and scholastic materials (SCF);

(d) Vocational training for street children (FOCA), formal education and vocational training (UWESO).

213. Although progress is being made to achieve the child's right to education there is still a long way to go. There are still many constraints to be overcome whose underlying causes stem from inadequate resources at both the national and household levels. Currently, the school system is being heavily

sustained by parents through the Parents Teachers Association fees (PTA) to the range of 50 to 75 per cent and yet household incomes for most people in Uganda are dismally low. Another obstacle to be overcome is the people's attitude towards education, especially for the girl child. The greatest challenge still remains to increase access, resources and improve quality and equity.

B. Article 29 - Aims of education

214. The Government White Paper on Education identifies the following broad aims of education to be achieved through implementation of the new National Policy on Education:

(a) To promote understanding and appreciation of the value of national unity, patriotism and cultural heritage with due consideration of international relations and beneficial interdependence;

(b) To inculcate moral, ethical and spiritual values in the individual and to develop staff discipline, integrity, tolerance and human fellowship;

(c) To inculcate a sense of service, duty and leadership for participation in civic, social and national affairs through group activities in educational institutes and the community;

(d) To promote the scientific, technical and cultural knowledge, skills and attitudes needed to promote development;

(e) To eradicate illiteracy and to equip the individual with basic skills and knowledge to exploit the environment for self-development as well as national development for better health, nutrition and family life and the capability for continued living;

(f) To contribute to the building of an integrated self-sustaining and independent national economy.

215. Government has directed that these broad aims of education and concerns be taken into account by the consultancy team reviewing the primary school curriculum. The new broad aims that will be finally agreed upon will be reflected in the curricula at all levels of education. They will be taken into account in all the processes of preparation of new curricula, textbooks and other instructional materials as well as in teacher training programmes.

216. Uganda is one of the countries that are still disadvantaged by the lack of a clear and coherent language policy in education and national life generally. The Government appreciates that in order to develop a rich national culture, unity and development, Uganda's language policy in education must be centred around the development of a national and educational language policy that can contribute to the development of greater participation, patriotism and pan-Africanism among the citizens. This should lead to greater cooperation among the various ethnic groups both within and outside Uganda. The Government has accordingly considered the following recommendations by the Education Policy Review Commission:

(a) The mother tongue should be used as a medium of instruction in all rural area educational programmes up to P.4. In urban areas all teaching will be in English, but also an area vernacular language will be taught and will be an examinable subject in the primary leaving examinations. English should be taught as a subject from primary 1. From primary 5 onwards English should be the medium of instruction;

(b) From senior 1, students will be required to take in addition to English and the area language another Ugandan or foreign language. The teaching of Swahili should be strengthened at secondary level. Political education is being offered as an examinable subject at the Ordinary Level School Certificate of Education.

217. A National Environment Action Plan has been drawn up to address issues concerning the environment. Environment issues have also been incorporated into the school curricula. The Ministry of Education, through the National Curriculum Development Centre (NCD), is encouraging and mobilizing individuals to produce education materials on the environment for young people. Furthermore, the need for public awareness and participation in environmental protection and preservation and the promotion of environment education in schools has been highlighted in the draft Constitution.

218. Creating awareness on the rights of the child amongst children themselves has become an important activity for some NGOs and government ministries. The Legal Division of the Ministry of Women in Development, Youth and Culture carries out legal education. In some of its activities, children are a target group. The Ministry notes that the promotion of children's rights is collateral to the women's rights campaign. The Ministry of Justice and Constitutional Affairs has established a Human Rights Department to coordinate with the ministries and districts on human rights education and violation. The Ministry is preparing materials on human rights. An NGO (CONCERN) initiated contact with Uganda Women Lawyers (FIDA) who gave talks to groups including children relating to the rights of women and children.

219. In Uganda, individuals, NGOs and religious bodies are free to establish and operate schools. However, they have to be registered and approved by the Ministry of Education. This is to ensure that they meet the basic requirements for operating educational institutions. It should be noted, however, that the Government does not interfere with the day-to-day management of these schools. These private institutions have played a commendable role in the education sector and the Government appreciates and acknowledges their contribution. The draft Constitution recognizes the contribution of non-governmental bodies and individuals in promoting education and affirms the freedom to operate educational instructions if they comply with the country's general educational policy and national standards.

C. Article 31 - Leisure, recreation and cultural activities

220 The Government encourages co-curricular activities which include cultural and artistic activities, music, dance and drama as well as sports and games. In order to coordinate and promote sports and games and cultural activities in schools, the Government will encourage the establishment of appropriate sports and games associations at the national, regional, district and other lower

levels in conjunction with the National Council of Sports (NCS). The Ministry of Education and Sports will also liaise with the Ministry of Women in Development, Youth and Culture. The Inspectorate Department of the Ministry of Education ensures that these co-curricular activities are undertaken in schools. There are guidelines on how these should be organized and how they relate to what takes place in the classroom. Every year there are music, dance and drama festivals and sports competitions involving both primary and secondary school children.

221. The policy of the Republic of Uganda is to develop, present, promote and preserve both tangible and non-tangible cultural heritage. In non-tangible culture, children engage in oral tales and stories, legends, music, dance and drama. In tangible culture activities, both school-going and out-of-school children participate in creative arts, crafts, pottery, poetry, writing and, to some extent, blacksmithery. These activities are performed through clubs in schools and in villages. In some villages, the Culture Department encourages and helps out-of-school children to organize themselves into performing groups which enables them to generate some income, beside promoting leisure, culture and recreation. There are plans to open a children's regional museum and an amphitheatre when resources permit. Uganda has concluded cultural agreements with many countries in Africa and the rest of the world. The Ministry of Women in Development, Culture and Youth works closely with the Ministry of Education and Sports to organize music festivals. Cultural exchange has been hampered by a lack of adequate resources. Some NGOs, e.g. CONCERN, are providing basic sports equipment to schools and villages. It also works with local communities in organizing village, parish and subcounty sporting events. Children are encouraged to participate at all levels.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

222. Uganda's turbulent political past led many people to become displaced within the country and others to flee the country. For instance, the population in the Luwero Triangle (central region) declined from 700,000 to 150,000. In the north-west, hundreds of families fled to the neighbouring countries of Zaire and the Sudan. The troubles in the Sudan, Rwanda and Zaire have led to many people fleeing to Uganda. With the return of peace to the country after the NRM took over power in 1986, more than 300,000 Ugandan refugees have returned to the country.

223. Uganda has acceded to various conventions which call upon State parties to host refugees and give them special protection. These are the 1951 Convention relating to the Status of Refugees and the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa. According to the Deputy Director for Refugees Services in the Ministry of Local Government, the number of refugees currently in the country is about 300,000 Sudanese, 23,000 Zairians, 84,000 Rwandans (a large number of these have gone back but the number remaining is not yet established), and about 3,000 Somalis.

Although these figures are not disaggregated, the Director contends that the majority are women and children, the most vulnerable in situations of conflict.

224. It is government policy that refugees from neighbouring countries especially are given asylum first and foremost as their situation is studied. These usually come in large numbers and emergency measures have to be taken. For refugees from distant countries seeking asylum in Uganda, there is a national committee which verifies the eligibility of the applicants. Practical interventions include the provision of food, water, shelter and health services. For children particularly, immunization against the six killer diseases is usually carried out in the camps as a matter of priority. Because of inadequate dietary intake in the refugee camps, children are undernourished and the Government has to arrange for supplementary feeding. The Government also deliberately involves women in the welfare of the refugees. This is in the hope that children will directly benefit from this involvement in terms of care, feeding and bedding which are always in short supply. During the transitionary period, refugee children get sponsorship for primary school education. At a later stage, when the refugees have settled and are able to earn an income, the sponsorship is gradually phased out.

225. In handling the refugee situation the Government works with NGOs. The NGOs active in this area include OXFAM, Médecins Sans Frontières (MSF), Lutheran World Federation (LWF), the International Committee of the Red Cross and the Ugandan Red Cross. The churches also have programmes for refugees.

226. Both the Government and the NGOs work very closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) which has offices in the country. In the refugee camps, close links are encouraged with the countries of origin. Every 20 June the country marks Africa Refugees Day. This is meant to sensitize the public about the problems of refugees.

227. Although the responsibility for refugees lies with the Ministry of Local Government, the Ministry of Labour and Social Affairs, which has responsibility for child welfare, should be concerned and aware of the welfare of refugee children as well. Currently there are no links between the two ministries in this regard.

2. Armed conflicts (arts. 38, 39)

228. During the period 1981-1986 many Ugandans including children experienced untold suffering. In the fierce battles that raged in the Luwero Triangle between government troops and the National Resistance Army (NRA), government troops employed a scorched earth policy. Thousands of civilians were killed and villages were totally destroyed. Children inevitably became involved in the NRA, often for their own protection. Most of them were already orphans and had witnessed the brutal death of their parents.

229 The children, popularly referred to as kadogos (little soldiers), were also taught the use and maintenance of weapons and ordnance as well as military tactics. When the NRA captured Kampala in 1986 it was not uncommon to see armed children in full combat gear. There was an outcry from international bodies, human rights groups and child-care agencies. In 1987,

the NRA decided to send the child soldiers back to school. They were enrolled in a special school registered under the Ministry of Education but run by the NRA. The children in the school received frequent visits and encouragement from the NRA Political Commissar. The teachers in the school were professional teachers who had joined the NRA. They, however, had to undergo a special refresher course on how to handle the child soldiers.

230. When the NRA started integrating the former rebels into its ranks, among these were rebel kadogos who were also sent to the kadogo school in 1989. Forty-nine sat for their primary leaving examination in 1989 and all passed; 45 of them were admitted to civilian secondary schools. By January 1994 there were 193 at the school and 201 in different secondary schools. Those who dropped out of school were given the option of leaving the army or getting further military training and remain as soldiers. Lt. Col. Serwanga-Lwanga contends that the whole primary section of the school is likely to be phased out in the next four years as there will be no more kadogo pupils. The NRA fully caters for the school requirements of these child soldiers.

231. As noted, the involvement of children in armed conflict in Uganda was dictated by the circumstances of the day. The substantive law regarding recruitment into the armed forces is spelled out in the Armed Forces (Conditions of Service) Regulations 1969. It is provided that the age of recruitment into the army is 18 years. Any recruitment below that age should only be with the consent of that person's parents or guardians or the District Administrator of the district in which the person resides. No person under the apparent age of 13 years shall be enrolled in the armed forces.

232. The measures that have been taken to enable recovery and social reintegration of the child victims of armed conflicts demonstrate the Government's commitment to improve the lives of these child soldiers. The major problem that has to be overcome is to wipe out all forms of insurgency in the north of the country. Children have sometimes fallen victim to this insurgency by being abducted and forced into rebel camps. Government takes special concern for these children. Those who escape or are rescued by government forces are immediately reunited with their parents/families. It is only when the insurgency is wiped out that the country will be able to regulate the recruitment of children (voluntary or forced) into the armed forces. Part of the strategy to clear the country of rebellion and insurgency is the Presidential Amnesty for rebels. Rebels who surrender are not prosecuted, and many of them have been reintegrated into the National Resistance Army.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

233. There is only one constituted juvenile court with its own juvenile court magistrate in Uganda. This is in the capital Kampala. This means that often in other parts of the country children are tried in open adult courts, creating an intimidating atmosphere for the children, and magistrates use the same procedure as for adults which does not take into account the best interests of the child.

234. Another concern in the administration of juvenile justice in Uganda today is the stringency of bail conditions. At present there is no provision for bail as court bond, but only by way of a financial surety. As a result bail is not readily accessible to children. Research conducted by the Child Law Review Committee in 1989-1990 established that bail was only granted in 20 per cent of the 347 cases where the remand condition was known.

235. Probation and Welfare Officers who are responsible for the protection of the child are inadequately resourced. They are therefore unable to carry out expeditious and quick inquiries. In some districts there are no Probation and Welfare Officers.

236. The conditions in which children are held on remand in adult prisons or police cells infringe their rights. From the research already mentioned above, in 347 cases 257 (74 per cent) were remanded in custody and half of these were remanded in places designated for adults. For all remandees 44 per cent were detained for over three months and 24 per cent for over six months. Even the few remand homes available are usually congested or lack the basic facilities. In one remand home (Naguru Remand Home) there were 202 children by the end of 1993 and the institution's designated capacity is only 30. The conditions in both the adult prisons and the remand homes are very poor and they lower the child's self-esteem and development, and put their health in grave risk.

237. The draft bill for the Children's Statute has adequately addressed the administration of juvenile justice. The concern in the proposals for legislation was to reduce the abuse of children's rights especially when this occurs in the administration of justice. These proposals in the bill give effect to the convention.

238. A child who is arrested should be accompanied by the parent, guardian or probation officer at the time of police questioning. The child has a right to be represented either by a friend, next of kin or legal counsel in the court process.

239. Emphasis has been put on the expeditious handling of cases. In non-capital charges, the court will dismiss a case that is not completed within three months after the child's plea has been taken. In capital offences the case is dismissed after 12 months, and the child is not liable to any further proceedings for the same offence. The bill further provides that children should not be remanded in an adult prison. They should only be remanded in designated remand homes or other places specifically designated for that purpose.

240. To allow the local courts to participate in the administration of juvenile justice, RC courts will be the courts of first instance in civil and less serious criminal offences like assault, trespass, etc. (at present RC courts do not have criminal jurisdiction). The RC courts are to use disposals that the community traditionally use to resolve disputes. These are reconciliation, compensation, apology and caution.

241. Every district will have a family and children court which will be the court of first instance for all cases other than those where an RC court has

jurisdiction and where a child is charged with an adult. The procedures in this court shall be informal in approach and the trial should be in camera, and the child should be given the opportunity to express his or her interpretation of events. All this will ensure that the child receives a fair hearing. All the higher courts must also follow the provisions of the law concerning the procedures of trials involving children. No person is allowed to publish information that may lead to identification and harm caused by undue publicity in respect of a child before court.

242. It has been proposed in the bill that the minimum age of criminal responsibility shall be 14 years. This is an increase of 7 years from the present lowest age of criminal responsibility which is 7 years. At 14 the child is at least capable of understanding the consequences of his or her action.

243. The courts, with the advice of Probation and Welfare Officers, are increasingly using non-custodial dispositions. The CLRC Research established that of the 129 children who were found guilty and sentenced 30 per cent were placed on probation, 25.6 per cent were cautioned, 15.5 per cent were caned, 14 per cent were sent into custody and 12.4 per cent fined. Community options were used in 86 per cent of the cases. The designation of the RC vice-chairpersons at all levels as Secretaries for Children's Welfare will further help to divert children from the judicial process. The policy at the Department of Probation and Social Welfare stresses that custodial sentences should be used as a last resort. This is accordingly reflected in its Values and Principles Document which has received wide circulation in the country. Statistics from the Probation and Social Welfare Department show that as of September 1993 there were 176 probationers and 44 children who were beyond control under supervision.

244. The proposals for the Children's Statute place considerable emphasis on the importance of using and assisting traditional systems to deal with the less serious cases concerning children. It has been proposed that the RC court will be the court of first instance for certain specific less serious offences, e.g. common assault, theft, criminal trespass, etc. This allows the local community to participate in the administration of justice. At present it is difficult to obtain prompt justice because the magistrates courts are so far from many people. Children are very often remanded for long periods by the magistrates courts for very petty offences. It is the situation currently that cases (civil and criminal) are already being handled within the communities informally and through the village RC courts. The remedies used like compensation, reconciliation, etc. are those that have traditionally been used to solve disputes among community members. Therefore, there should be no problem in their administration. Giving the responsibility of providing guidance supervision and assistance to a child to a person designated by the RC court is a way of promoting community concern and care for children.

245. Any person who commits a crime in Uganda is presumed to be innocent until proven guilty according to the law. This principle is upheld in the trial process. No person is compelled to give testimony incriminating himself or herself. The court process allows an accused person to call his or her own witnesses and to cross-examine State witnesses. The accused has the right to be represented by a lawyer of his or her choice. It is the State's duty to

provide an interpreter for the accused in the language he or she understands better. In any offence which carries a death penalty the accused is entitled to legal representation at the expense of the State.

246. A child has the same right of appeal as an adult. In the proposed Children's Statute, the right of appeal shall start from a village RC court to a family and children court, chief magistrates court, High Court and the Supreme Court. The draft Constitution also gives comprehensive measures for the right of a person to a fair hearing in both civil and criminal proceedings.

247. It should be noted that there is inadequate information concerning juvenile offenders. Many cases go unreported and there is currently no adequate information system. It is also not known at present how many children are incarcerated in adult prisons. It is envisaged that baseline data will be collected to form the basis of monitoring the NPA goals concerning child protection. The statistical and information system is also being reviewed in the Ministry of Labour and Social Affairs (Probation Department) in order to have a comprehensive record of the work that Probation Officers are involved in.

248. The major obstacles to be overcome include the shortage of personnel (Probation Officers), poor and inappropriate remand facilities, which undoubtedly violate several of the children's rights simultaneously, and the inadequate orientation of the community to solve child-related cases in the community without recourse to the law. Many Judicial Officers and Probation Officers have yet to fully appreciate community options as suitable disposals for juvenile offenders.

2. Children deprived of their liberty (art. 37 (b), (c) (d))

249. The draft Constitution provides for the protection of personal liberty and respect for human dignity and protection from inhuman treatment. In Uganda children are sometimes sentenced to a term of imprisonment in adult prisons. Children are also often detained in prisons for petty offences. In some cases prison authorities try to separate children from adults but largely the children mix with adults. The reasons for this are the limited remand facilities and sometimes lack of knowledge on the part of the trial magistrates in respect of the juvenile justice system. The number of children currently in adult prisons is not known.

250. Children who have been convicted of criminal offences are sent to approved schools (12-16) and the reformatory school (17-21). Currently there are two approved schools, one for boys and one for girls, and one reformatory school. While in these schools children are given home leave every year. Their parents and guardians are free to visit them and the Probation and Welfare Officers ensure that the child in the institution keeps contact with his or her family or community.

251. At present a child under the age of 16 can be given corporal punishment. Corporal punishment is offensive, infringes the rights of the child and it does not promote the child's sense of dignity. The draft bill for the Children's Statute has outlawed corporal punishment or caning as a form of

punishment in the children and family court. The Government has also accepted that the offences of idle and disorderly, rogue and vagabond (sects. 162 and 163 of the Penal Code Act) be decriminalized as offences for which children can be charged. These offences are currently being used by the law enforcement authorities to round up street children, which is tantamount to deprivation of their liberty.

252. The draft bill for the Children's Statute proposes the reduction of the Probation Order from a maximum of three years to one year. A long probation order can be oppressive to the child when he or she knows the supervision will be for a long time. The proposals for the Children's Statute emphasize that custodial sentences for children should be used as a last resort and for as short a time as possible.

253. As a policy measure, Probation and Welfare Officers have been encouraged and are increasingly using other options like probation, fines and caution, which the courts usually consider, taking into account the nature of the offence and background of the offender. These options divert children from institutional treatment.

254. The Office of the Inspector General of Government (IGG) is generally interested in human rights. This includes the rights of the child. The Office checks on juvenile offenders who have been detained in places of detention by the police, the army or any other security organ. The Office investigates any human rights abuse or mistreatment of any person, including children, and makes appropriate recommendations. The presence of children in adult prisons is one of the phenomena the IGG's Office will concentrate on. The inspection will involve finding out how long the cases of children have taken to handle and whether they have been imprisoned for longer than they should. Other human rights organizations like the Uganda Human Rights Activists (UHRA) take interest in cases of child abuse and advise Government accordingly.

3. Sentencing of juveniles (art. 37 (a))

255. A person under the age of 18 years cannot be sentenced to a term of imprisonment, although this sometimes happens in the circumstances described above. Probation and Welfare Officers work with the courts to decide on the best means of dealing with children who have committed criminal offences. Decree No. 26 of 1971 provides that the sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of 18 years.

4. Physical and psychological recovery and social reintegration (art. 39)

256. The approved schools and the reformatory school are supposed to receive, detain, educate and train detainees. However, both the approved school and the reformatory school share common problems. These include: dilapidated structures as a result of the many years of turmoil and neglect; lack of equipment and qualified personnel to effect their training programme; inadequate recreation and play facilities; and poor feeding and sleeping

conditions. With these mentioned problems, the institutions hardly offer any opportunities for both physical and psychological recovery. Besides, those institutions were seen largely as training centres which therefore carried long sentences so that courses could be completed. There is, therefore, less emphasis on physical recovery of children who are sent there.

257. In the approved schools there is a Department of Counselling and After Care. A child is attached to a housemaster who is supposed to help the child to adjust to the situation in the approved school and also prepare the child for eventual reintegration within his/her family.

258. When the child is released from the institution Probation Officers keep in touch with the child to facilitate quick reintegration. Where the child has acquired some rudimentary skills the Probation Officers help to place him/her in an enterprise or to acquire tools or, if the child is still in school, helps him or her to continue with education. It is important to note that both the Probation Officers and the housemasters work in very difficult circumstances and they are not effective in enabling both physical and psychological recovery and social reintegration. This situation is worsened by the fact that the staff are too few to meet the needs of the children while in the institution and when they have left. Thus, because of the apparent inadequacies of institutional treatment of offenders, the social welfare policy currently being formulated in regard to juvenile justice upholds these principles:

(a) Diversion of cases involving children from the judicial system;

(b) Sensitizing individuals, families and communities on the rights of the child and the causes of juvenile offending as a preventive measure.

C. Children in situations of exploitation

1. Economic exploitation including child labour (art. 32)

259. The Employment Decree 1975 is the only law in Uganda which caters for the category of children employed in industrial undertakings. The decree prohibits children of certain ages from a variety of work situations. Those under 18 are prohibited from employment in dangerous and hazardous jobs, those under 17 are not supposed to work at night, while those under 16 are not to work underground. A person under 12 years should only be employed in light work as prescribed by the Minister of Labour.

260. This decree has several shortcomings. Significant among these is that it caters for children employed in industrial undertakings and does not consider the majority of children who work in other situations. The Minister of Labour has never defined what constitutes "light work". The same decree empowers the Commission for Labour to discontinue the employment of a young person if such employment is injurious to the young person's health or is dangerous or unsuitable. As can be noted, this provision is inadequate in protecting children and is difficult to enforce. There are many children working throughout the country. These children are involved in different forms of

labour, which include work to supplement family incomes, work as street vendors, work in industrial undertakings and apprenticeships, e.g. garages and stone quarries, and work as domestic servants.

261. The number of children involved in all these categories of work is not known. This is partly attributed to a lack of comprehensive data on the situation because of lack of research and also the difficulty in defining when a child's involvement in work amounts to child labour. It is estimated that in Uganda the schoolgoing population, i.e. children 5-18, is about 6.6 million. Out of these 2 to 3 million are in primary schools and about 500,000 in post-primary education. The rest, about 2.8 million, are not in school, and could therefore be working. In all forms of work, children are exploited. They often work without payment, they are abused and work in dangerous environments. The overall effect is that the children are exposed to health hazards and impairment of their physical and psychological development.

262. The bill for the Children's Statute does not have specific proposals for legislation. The CLRC made recommendations which if taken up could better protect children who work. The Uganda Law Reform Commission has started its work and it is hoped that it will address the question of child labour in the review of the current labour laws. Child labour remains an area that is still difficult to address because of insufficient data and also because of the difficulties in enforcing even the existing weak laws. The strategy that is being intensified is sensitization of communities to the dangers of child labour, especially exploitative labour.

2. Drug abuse (art. 33)

263. The full extent to which children in Uganda are involved in the use, production and distribution of drugs is not known. Even information concerning alcohol consumption (the most common drug in Uganda) is not available and therefore the extent to which alcohol is a problem is not known.

264. According to the Uganda Situation Analysis of Women and Children (1994) brewing and drinking of alcohol are accepted economic and social activities in Uganda. Home-based production and sale of alcohol is an important source of cash income in most districts. It was further noted that children in brewing households are frequently involved in selling, transporting or brewing. This contributes to children drinking early. In such households children drink freely in the company of their parents. A study carried out among secondary school students established at 50 per cent of the students drank alcohol.

265. There is need for concern because the children who sell alcohol do not go to school and they are exposed to the immoral acts associated with alcohol consumption. The greatest threat is the risk of HIV infection as alcohol induces adolescents into unsafe sex.

266. The Enguli Act forbids the sale and consumption of crude waragi (local potent gin). Although this is technically illegal, the brewing and consumption of crude waragi is widespread in the country. The enforcement of this law is very difficult as the law enforcement officers are often active

participants, either as brewers or as consumers. In several areas of the country by-laws are being made to regulate drinking hours, but this will still be very difficult to enforce.

267. The use of drugs is particularly serious among street children. Social workers working with street children confirm that the smoking of bhang and chewing khat are common practices. They also identify the sniffing of aviation fuel and use of cocaine. Information on children on remand at Naguru Remand Home in Kampala show that in 1992, there were 11 cases related to drug use.

268. A local NGO, Uganda Youth Development Link (UYDEL), has started a campaign to fight against drug and substance abuse among various communities. The organization intends to raise awareness in schools about the dangers of drug abuse through debates, drama and songs. The organization also intends to reach the public through the mass media. This organization is still in its infancy and its impact is yet to be felt. Among the activities of street children organization is the involvement of the children in discussions concerning the dangers of drug and substance abuse.

269. While the problem of drug use is still seen as largely an urban problem, it is increasing in dimension and concrete measures should be put in place to halt this trend.

3. Sexual exploitation and sexual abuse (art. 34)

270. Measures to protect persons against sexual offences are contained in the Uganda Penal Code Act. Some of the offences against morality are rape, indecent assault, defilement and incest. It is an offence for any person, man or woman, to live on the earnings of prostitution (sects. 131, 132 Penal Code Act). The law seems to be silent on actual prostitution. It is also an offence for any person to keep a house, room, set of rooms or place of any kind whatsoever for purposes of prostitution (sect. 134 Penal Code Act).

271. To safeguard children from sexual abuse and its implications (e.g. contracting HIV) the Penal Code Act was amended to provide for additional sexual offences and punishment. The amendment also raised the age below which a person can be charged with defilement from 14 years to 18 years. Thus, defilement is punishable with death while attempted defilement carries a sentence of 18 years imprisonment (sect. 123(1) of the Penal Code Act).

272. What is being observed today in Ugandan courts is that the State has often failed to successfully prosecute cases of defilement. This is due to the rigorous law of evidence, and generally ignorance of the community in respect of preservation of evidence. It may also be necessary to establish whether the mandatory death sentence may not contribute to non-reporting of defilement cases as people may have the feeling of not wanting to be responsible for the death of others. The age for purposes of defining when a charge of defilement can be preferred is being reviewed again in view of the strong popular sentiment that it was set too high. The argument being posed is that at the age of 16, for example, girls consent and are fully conscious of the implications of their actions. This, however, does not negate the need for positive action to protect children from sexual abuse.

273. The cases of sexual abuse are many as evidenced by newspaper reports on almost a daily basis. ANPPCAN (Uganda) has taken up sexual abuse as one of its priority advocacy areas. In a sample of 120 copies of one English daily in 1992 and 70 copies in 1993, a total of 39 defilement cases were reported, i.e. 14 in 1992 and 25 in 1993. The selection was not exhaustive and was made from only one newspaper. Further analysis showed that cases of defilement came from all regions of Uganda. The majority, 39 per cent, came from Kampala, Mbale 11 per cent and Masaka 11 per cent. Most of the victims were children in the age range of 4 to 7 years (27 per cent) followed by those in the age group 8 to 11 (25 per cent); children 3 years and below constituted 6 per cent.

274. ANPPCAN is concerned that common perpetrators of sexual abuse against children are people who are known to the child victim and who therefore do not initially cause fear or suspicion in the parent or the child. The table below indicates the relation of defiler to child.

Relation	Frequency	Percent
Father	1	3
Brother	1	3
Cousin	1	3
Neighbour	11	33.3
Teacher	3	9
Pastor	1	3
None	4	12.1
Not stated	11	33.3
Total	33	100

The data above indicates that contrary to common beliefs most of the defilers in this case are not strangers.

275. Information from a study carried out by an NGO, Kitovu Mobile Clinic, in two districts to research orphans' sexual behaviour revealed shocking results. Among 2,000 orphaned teenage girls 5 per cent were already sexually active by the age of 10, 30 per cent by the age of 12 and 85 per cent by the age of 18. Reasons why they were sexually involved at that age included being lured by men with promises of money to meet their basic needs. Some men also took advantage of these children with no adults at home to actually rape them.

276. Children are involved in prostitution although the numbers are not easily established. Child prostitution is fanned by adults craving children for sexual intercourse in the belief that they are not sexually active and therefore still free from HIV. Poverty and social upheavals often make families desperate and unable to discipline adolescents, thus making them vulnerable to prostitution. Many children who roam the streets during the day are at night involved in prostitution. Social workers with FOCA confirm the existence of well-organized child prostitution.

277. Pornographic literature and materials do not seem to be in open circulation in shops and markets in the country. This does not seem to be a big problem yet. However, there is concern about unlicensed video halls all

over the country that are open to both adults and children alike. This is likely to be a potential avenue for pornographic materials. It is an offence under the Penal Code Act (sect. 161) for any person by way of trade, exhibition, or otherwise to deal in obscene publications or any other obscene objects.

278. Although the law provides for a censorship board to regulate and sanction information, films and literature, such a board has apparently never been established.

279. ANPPCAN is concerned with the protection of children from sexual abuse and how to cope with the problems which arise from this. Together with other NGOs like Kitovu Mobile Clinic, FIDA, CONCERN and World Vision, victims of sexual abuse are being targeted for counselling, skills training and income generating schemes. The operations of these NGOs are, however, limited, and many affected children are not helped out of this traumatizing experience. As a result of the public outcry concerning defilement, public opinion is gradually changing to support the fight against rape and defilement. More cases are being reported to the police. The police are not yet adequately sensitized to handle defilement cases. Most cases are handled within the community and go unreported. The training of paralegals by the Ministry of Women in Development, Youth and Culture, and Child Volunteer Advocates (CVAs) by the Ministry of Labour and Social Affairs and NGOs will contribute to raising awareness and taking action against child sexual abuse and exploitation.

4. Sale, trafficking and abduction (art. 35)

280. According to the Uganda Criminal Law (sect. 233 Penal Code Act) any person who by force compels or by any deceitful means induces any person to go from any place is said to abduct that person. Abduction is also defined in terms of unlawful taking of an unmarried girl under the age of 18 years out of the custody or protection of her father, mother or person having lawful care of her against the will of such father, or mother or person (sect. 121 Penal Code Act).

281. The same Act (sects. 231, 232) defines kidnapping in two respects: kidnapping from Uganda, and kidnapping from lawful guardianship of a minor or any person of unsound mind. Minor is defined as one under 14 years if male and under 16 years if female. It is also an offence (sect. 241 Penal Code Act) to import, export, remove, buy, sell, or dispose of any person as a slave. The draft bill for the Children's Statute makes it an offence for any person to unlawfully take a child from another person or institution having custody or care of a child.

282. Although these offences against liberty can be said not to be uncommon, there have been many newspaper reports about child stealing. This is commonly found in hospitals with newly born babies. The babies are usually stolen by barren wives to take to their husbands after deceiving them that they were pregnant. There have also been newspaper reports that Ugandan children were being stolen or abducted for the purpose of smuggling them to a certain country to provide cheap labour. It has also been reported that children and adults have also been compelled to move from one area to another by unknown

people in circumstances akin to abduction. The significance of these few incidents is that the State needs to be vigilant to ensure that children are safeguarded from these criminal practices.

D. Children of minorities or indigenous populations

283. Uganda has more than 40 ethnic groupings and most of these fit into the two main groupings of the Nilotic and Nilo-Hamitic in the north and the Bantu in the south and west. Each of the tribal groupings speaks its own language and enjoys its own culture without any State interference. There is no State religion in Uganda and the draft Constitution provides that Uganda shall not adopt any religion as a State religion. The right of any person to enjoy, maintain and promote any culture, language, tradition or religion is contained in the draft Constitution (art. 64). This, however, should not impinge on the rights and freedom of others. None of the ethnic groupings in Uganda is officially regarded as minor or indigenous for the purposes of article 30 of the Convention on the Rights of the Child.

IX. CONCLUSION

284. This report has presented the measures that Uganda has adopted to give effect to the rights of the child. This is in the belief and understanding that the rights of the child are central to the future well-being of the Ugandan child. Many children, however, still live in very difficult circumstances deprived of love, parental care, and the basic necessities of life. Very many children, whose number is unfortunately not known, work and they are abused and exploited. Even in the 1990s children are still dying from preventable diseases and this situation is being exacerbated by the AIDS pandemic whose dimension and duration are uncertain. School enrolment is still low and the drop-out rate is very high and particularly so for the girl child. The quality of education has deteriorated, and universal and free basic education is still a long way off.

285. Despite this unsatisfactory situation a lot has been done by the Government in conjunction with external support agencies, local and international NGOs and community initiatives to improve the situation of children. This report is being submitted at the time when the implementation of the NPA is in full gear and is being decentralized to district and subcounty levels. More resources, although not yet a satisfactory amount, are being redirected to the social services sector under the Rehabilitation and Development Programme (RDP).

286. The bill for the Children's Statute is in advanced stages and will soon be tabled before the NRC for debate. The Local Government (Resistance Councils) Statute 1993 has designated the Vice-Chairperson of Resistance Committees at all levels to be responsible for children's welfare.

287. Uganda is on the threshold of a revolution in education and is committed to laying a sound foundation for education for all by promoting both formal and informal education. Huge strides have been made in improving child survival through immunization, control of diarrhoeal diseases, improving access to safe and clean water and generally promoting primary health care.

The role of women in the development of the country and particularly the care and protection of children is recognized and Government has taken positive steps to raise their disadvantaged status.

288. There were other very important developments taking place in Uganda at the time of submission of this report that have positive impacts on the well-being of children. These are the consolidation of national unity, the empowerment of people to effectively participate in the affairs affecting the through the decentralization process, and the drafting of a new Constitution.

289. The greatest constraint to realization of the rights of children is essentially lack of adequate resources. This situation is being aggravated b Uganda's heavy indebtedness and narrow revenue base and improper management and utilization of government revenue. Another impediment is generally a low level of understanding among the people of the rights of the child and what this means in practice. The adoption of more positive attitudes towards children will constitute the springboard from which carers will act more effectively for the best interests of children.

290. As noted, some of the radical measures that will ensure the protection children are still in draft form, e.g. the Children's Statute and the Constitution. The next desirable stage to which Government is committed is t translate these proposals into concrete legislation. Policy makers in Uganda publicly endorse the moral principle that every child is entitled to good health, education and other opportunities for development and protection. Th community groups are anxious to receive information that will give them knowledge and ideas on how they can care for and protect their children. It is therefore more than ever before necessary for the country to turn these good intentions into actual programmes and activities that will enable children to enjoy their rights.

291. The challenge for this country is to fulfil the promise to Ugandan children made by ratifying the Convention and the adoption of the World Declaration on the Survival, Protection and Development of Children. With greater commitment, every child in Uganda can have a better future.

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Appendices

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IV. Uganda National Situation Analysis for Women and Children 1994.